

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

JAMIE LEIGH JONES,  
PLAINTIFF,

v.

HALLIBURTON COMPANY D/B/A  
KBR KELLOGG BROWN & ROOT  
(KBR); KELLOGG BROWN & ROOT  
SERVICES, INC.;  
DEFENDANTS.  
. . . . .

.  
.  
. H-07-CV-2719  
. HOUSTON, TEXAS  
. JUNE 21, 2011  
. 8:30 A.M.

TRANSCRIPT OF JURY TRIAL  
BEFORE THE HONORABLE KEITH P. ELLISON  
UNITED STATES DISTRICT JUDGE

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Proceedings recorded by mechanical stenography, transcript  
produced by computer-aided transcription.

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1                                   P R O C E E D I N G S

2                   THE COURT: Good morning and welcome. Please be  
3 seated.

4                   We were talking yesterday about this -- these  
08:30 5 doctors' notes on one of Ms. Jones' visits. My ruling is as  
6 follows. I think it has to come in. I think the probative  
7 value substantially outweighs its prejudicial value.

8                   If it's true, it shows a modus operandi very --  
9 very similar to what we have in this case. If it's false, it  
08:31 10 shows a concern that the -- the victim changing her story.  
11 However, to reduce the prejudice of Mr. Kelly not having been  
12 able to go into it on direct, I'm going to ask -- I'm going to  
13 give him time to go into it on redirect and ask you to hold off  
14 on it until then. You can then recross.

08:31 15                  MR. McKINNEY: Your Honor, in the interest of having  
16 continuity in my cross-examination, may I temporarily pass the  
17 witness back to Mr. Kelly at this point, have him direct his  
18 client on that topic, and then pick up with it in my  
19 cross-examination?

08:31 20                  THE COURT: I think that calls some attention to it.

21                  MR. McKINNEY: Yes, your Honor.

22                  MR. KELLY: I do, too, your Honor. I think it calls  
23 attention to it as well as there's issues I would like to  
24 redirect that have already come up that I'd just as soon not  
08:32 25 alert Mr. McKinney to.

08:32 1 MR. MCKINNEY: No, I'm not saying you have to do your  
2 entire redirect, just redirect on that one topic.

3 MR. KELLY: And, again, then that does call attention  
4 to it.

08:32 5 THE COURT: Ms. Vorpahl?

6 MS. VORPAHL: Your Honor, I understood that it was  
7 coming in. I mean, if Mr. Kelly chose not to get a ruling on  
8 it, I don't think that we should be prejudiced by that.

9 THE COURT: Well, under 412 --

08:32 10 MR. MCKINNEY: Let's stay with what we got.

11 MS. VORPAHL: All right.

12 MR. MCKINNEY: We're good with what we have, Judge.

13 Thank you.

14 THE COURT: It's really your burden.

08:32 15 MS. VORPAHL: Okay.

16 MR. MCKINNEY: Let's forge ahead.

17 THE COURT: That's what we're going to do. Okay.

18 Let's bring the jury in.

19 *(Jury present)*

08:33 20 THE COURT: Thank you. Please be seated.

21 Welcome back, ladies and gentlemen. We're ready  
22 to proceed.

23 You may inquire, Mr. McKinney.

24 MR. MCKINNEY: May it please the Court.

08:34 25 /////

1 JAMIE LEIGH JONES, PREVIOUSLY SWORN, CONTINUED TO TESTIFY:

2 CROSS-EXAMINATION

3 BY MR. MCKINNEY:

4 Q. Good morning, Ms. Jones.

08:34 5 A. Good morning.

6 Q. Well, as is often the case, we take a break, I check my  
7 notes and I realize that I completely forgot to ask you some  
8 questions yesterday on the subject we covered at some length,  
9 that I failed to link it all together. So, I'm going to do

08:34 10 that -- or try to at this time. And specifically what I am  
11 doing is I'm returning again to the subject of Eric Iler.  
12 Because I would like to put that relationship in chronological  
13 context for you and for the jury. Can you help me with that?

14 A. Yes.

08:34 15 Q. We talked yesterday about the October 24th visit with  
16 Dr. Scott in which your mother was present and you informed the  
17 doctor and the doctor wrote down that your newest boyfriend had  
18 called you and told you that you had an STD and, of course,  
19 that was in your mother's presence, correct?

08:35 20 A. Yes.

21 Q. And you told us also yesterday that your first intercourse  
22 with Eric Iler was sometime in December or perhaps November;  
23 but it was at his class reunion somewhere near Liberty, Texas.  
24 Do you recall giving testimony to that effect before our jury?

08:35 25 A. I didn't say that. I didn't say it was at the class

08:35 1 reunion.

2 Q. You didn't tell our jury that the first time that you and  
3 Mr. Iler had sexual intercourse was the evening after -- or the  
4 night of the class reunion and he wouldn't take you home and --

08:36 5 A. That was one of the times, but I don't think that was the  
6 first.

7 Q. All right. In any event, after October 24th, you continued  
8 to travel to Liberty to see Mr. Iler, did you not?

9 A. Yes.

08:36 10 Q. And at this point in time, your mother now knows that you  
11 are going out with Mr. Iler, that you have expressed a concern  
12 that you may have contracted a sexually transmitted disease  
13 from Mr. Iler and you're still traveling to Liberty from time  
14 to time to see Mr. Iler. This is all information that your  
08:36 15 mother has, and the two of you are there together in that small  
16 one-bedroom apartment?

17 A. Right.

18 Q. I would like to revisit with you, please, the e-mail chain  
19 on January the 6th; and I believe that is -- my goodness. I  
08:37 20 may have misplaced that.

21 MR. MCKINNEY: What's that exhibit number, please,  
22 Sharon, the January 5 or 6 e-mail chain that's in evidence?

23 MS. CULLEN: That would be B7.

24 MR. MCKINNEY: Could we have B7, please, displayed for  
08:37 25 the witness and for the jury?

08:37

1 Can everyone hear me?

2 A JUROR: That's better.

3 MR. McKINNEY: And if we could turn to the back page.  
4 And can we blow up the highlighted portion, please?

08:38

5 BY MR. McKINNEY:

6 Q. As we see here, Ms. Jones, and as we talked about  
7 yesterday, you were expressing a concern that Mr. Iler might  
8 somehow get back with his former girlfriend, Ms. Royal, and  
9 your concern that you might lose your job. Is that right?

08:38

10 A. Yes.

11 MR. McKINNEY: Next page, please.

12 BY MR. McKINNEY:

13 Q. Your mother responds, she says: That tells you something.  
14 He does not want to talk with her, Jamie. Take that as a good  
15 sign. He has included you to share in his grief. He has  
16 chosen you.

08:38

17 That's your mother writing to you in January of  
18 2005.

19 A. But I would like to set the record straight. My mother  
20 doesn't remember any of these, and I don't either.

08:39

21 Q. Yes. That's going to be developed for our jury in the  
22 fullness of time.

23 A. Okay.

24 Q. But what I want to call your attention and the jury's  
25 attention to is the chronology up to this point. And let's go

08:39



08:39 1 ahead and see your response to your mom.

2 You ask: Are you sure, Mom?

3 A. Uh-huh.

4 Q. Correct?

08:39 5 A. Yes. That says --

6 Q. And then let's see what your mother says in response to  
7 this.

8 MR. McKINNEY: You'll need to go to the prior page.

9 Thank you.

08:39 10 BY MR. McKINNEY:

11 Q. "Yes, I am sure. He has included you and chosen you to  
12 share in his grief. You are where he must feel peace and safe.  
13 Maybe she thinks she has a shot now that she thinks he is at a  
14 sad time in his life, not knowing he has this part of his life  
08:40 15 fulfilled. No worries. You are there. She isn't. Smile to  
16 yourself. You are the one."

17 Now, at this point in time from October the 24th  
18 until January, I believe, the 5th -- I could be wrong; it could  
19 be the 6th. But in any event, during this roughly two-month,  
08:40 20 two-month-plus time period, your mother is now aware of a  
21 relationship between you and Mr. Iler, one involving overnight  
22 stays and potentially a sexually transmitted disease, correct?

23 A. Right.

24 Q. And as we see from this e-mail chain, although you don't  
08:41 25 remember it and your mother doesn't remember it, it certainly

08:41 1 appears from the face of the language that your mother is  
2 actively supporting your relationship with Eric Iler, this man  
3 who is 20 years older than you?

4 A. She did not know his age, she did not know what he was  
08:41 5 making me do at this point. As I've said a lot of times to  
6 you, this was not disclosed on my part.

7 Q. All right.

8 A. She was trying to do the good mother role and be  
9 supportive.

08:41 10 Q. Okay. Well, let's just -- then let's leave out the age out  
11 of my last question. What we see here in January is your  
12 mother apparently being fully supportive of your relationship  
13 with Eric Iler, do we not?

14 A. You do.

08:42 15 Q. All right. And if we review these e-mails very carefully,  
16 they appear to come from your mother's e-mail address at  
17 Continental Airlines to your e-mail address there at KBR,  
18 correct?

19 A. That's what it appears; but the fact that she doesn't even  
08:42 20 talk like that, "smile to yourself, you're the one," she  
21 doesn't use that type of verbiage.

22 Q. Okay. And I understand your mother is going to come in and  
23 tell us that.

24 A. She will.

08:42 25 Q. But here we have a piece of paper that appears to have been

08:42

1 generated actually at the time of these events, and it's a  
2 piece of paper that now you're telling us that neither you nor  
3 your mother remember?

4 A. Said it all along.

08:42

5 Q. All right. Now, we talked yesterday about whether or not  
6 your mother would have questions for you, as some might think a  
7 mother would, having sat in on the doctor visit where you  
8 disclosed that Mr. Iler had called and reported that you had --  
9 he may have -- that he had an STD.

08:43

10 A. Uh-huh.

11 Q. You're telling us, Ms. Jones, that during this  
12 two-and-a-half-month period where your mother apparently is  
13 fully supportive of your relationship with Mr. Iler she did not  
14 ask you any questions about his job at KBR, his age, what kind  
15 of man was he, she didn't want to know these things about the  
16 man who was quite obviously being intimate with her 19-year-old  
17 daughter?

08:43

18 A. I was a teenager, and teenagers oftentimes will disclose  
19 certain things and not others. And that's just the way a  
20 teenager functions. And if I could rewind time and get advice  
21 from her about what was going on at work, of course, I would.  
22 But as a teenager, I didn't make the best decisions.

08:43

23 Q. And I understand teenagers. I really do.

24 A. I'm sure.

08:44

25 Q. But I understand moms, too.

08:44 1 A. Uh-huh.

2 Q. And you're a mom now.

3 A. Yes.

4 Q. And we're talking about a mother living in very close

08:44 5 quarters with her daughter, seeing her daughter every day, a

6 daughter who was under extraordinary -- according to your

7 testimony, extraordinary pressure and duress from systematic

8 sexual abuse by Eric Iler; and we're talking about a mother who

9 has found out some things about her daughter that might, to

08:44 10 some people, seem to be the kinds of things that would prompt

11 intense detailed questioning by the mother.

12 Now, did your mother, in fact, ask intense

13 detailed and probing questions about your relationship with

14 Mr. Iler during this two-and-a-half-month period after the

08:45 15 doctor visit in October of 2004?

16 A. She asked some questions, but I failed to disclose. I was

17 a teenager. I, like any teenager does, chose to disclose

18 things and not others. And that's just the way it was.

19 Q. All right. All right. Let's move on down the road just a

08:45 20 little bit. You were hospitalized with herpes in around

21 January the 20th of 2005?

22 A. Correct.

23 Q. And you told us in your deposition, and I believe you told

24 our jury on direct examination, that it was at this point in

08:45 25 time that you finally disclosed to your mother the horrific

08:45

1 nature of your relationship with Eric Iler?

2 A. Correct.

3 Q. And did you tell her in detail the horrible things that he  
4 was doing to you?

08:46

5 A. I believe I did.

6 Q. Now, we learned yesterday when I was asking you some  
7 questions that your sexual relationship ended with Mr. Iler  
8 when you got an e-mail on March the 23rd of 2003, saying that  
9 you were no longer needed at the event center. Do you recall

08:46

10 that testimony?

11 A. I do.

12 Q. And so, what we have now, if I'm not mistaken -- tell me if  
13 I'm wrong -- is from January the 20th or thereabouts until  
14 March the 23rd or thereabouts -- before I ask that question,  
15 after the herpes hospitalization, did you continue to travel to  
16 Liberty to see Mr. Iler from time to time?

08:46

17 A. Yes.

18 Q. And you were still living at home with your mother in a  
19 small one-bedroom apartment?

08:46

20 A. Yes.

21 Q. And so, for this two-month period after you have contracted  
22 herpes and been hospitalized, after you have fully disclosed to  
23 your mother the nature -- the oppressive, horrible nature of  
24 your relationship with Eric Iler and you're continuing to  
25 travel to Liberty, what is your mother doing to protect her

08:47

08:47 1 daughter during this time, knowing what she knows?

2 A. She hated him; and if I traveled to Liberty, I often told  
3 her I was going somewhere else.

4 Q. Well, I understand that she hated him. Any mother would.  
08:47 5 That's not really the question.

6 If someone -- if a parent finds out that an  
7 adult -- and your mother, of course, now knows Mr. Iler's name,  
8 I'm sure?

9 A. Of course.

08:48 10 Q. An adult of Mr. Iler's age is systematically abusing the  
11 child of that mother, that mother is going to do a lot more  
12 than simply hate that man, isn't she?

13 A. Yes.

14 Q. She's going to take action, isn't she?

08:48 15 A. She talked a lot about it.

16 Q. Did she insist that you go to your superiors? Did she  
17 insist that you file a complaint? Did she insist that you go  
18 to the police?

19 A. She called my superior, Frederick Heard. She called -- she  
08:48 20 did take action.

21 Q. She made one phone call, according to her testimony,  
22 correct?

23 A. I believe it was three.

24 Q. Three phone calls?

08:48 25 A. Three phone calls.

08:48 1 Q. Are you aware of any record of those phone calls?

2 A. I'm aware of a record, yes; and we'll show you proof that  
3 those calls were made.

4 Q. All right. I look forward to that.

08:48 5 A. Okay.

6 Q. Now, what about showing up in person at KBR or writing a  
7 letter to KBR or something of that nature to alert KBR of  
8 what's going on, according to you and according to your mother,  
9 in their offices?

08:49 10 A. She didn't write a letter. She made a phone call. She  
11 made three.

12 Q. Did you and your mother disclose these events to your  
13 father?

14 A. Not at the time.

08:49 15 Q. I'm going to change subjects now. You told us in  
16 considerable detail yesterday of the financial duress that you  
17 were under during the time that Mr. Iler was abusing you,  
18 according to your testimony.

19 A. Yes.

08:49 20 Q. And you told us that your mother -- your mother's health  
21 worsened considerably in February of 2005.

22 A. Is that when her surgery was?

23 Q. Yes, her bypass surgery, gastric bypass. And then she had  
24 a follow-up surgery on June the 6th --

08:50 25 A. Okay.

08:50 1 Q. -- of 2005. And this made her health condition even worse,  
2 according to you here in court, correct?

3 A. Correct.

4 Q. Now, I had all this up here with me. Here we go.

08:50 5 MR. MCKINNEY: May I approach the witness?

6 THE COURT: You may.

7 MR. MCKINNEY: Judge, I move for the admission into  
8 evidence of Bortz --

9 *(Sotto voce discussion between Mr. McKinney and Mr. Kelly)*

08:51 10 MR. MCKINNEY: May I approach the witness, your Honor?

11 THE COURT: You may approach, but I didn't hear what  
12 you said. You moved to admit something.

13 MR. MCKINNEY: Well, Judge, it was lawyer talk and --

14 THE COURT: Okay.

08:51 15 MR. MCKINNEY: My apologies.

16 BY MR. MCKINNEY:

17 Q. Ms. Jones, can you identify Bortz Exhibit B10 as an e-mail  
18 that you wrote on or about July the 8th, 2005?

19 A. Uh-huh.

08:51 20 Q. Can you say "yes" or "no," please?

21 A. Yes.

22 Q. Thank you. And can you identify Bortz B11 as your mother's  
23 CV, her curriculum vitae, that you forwarded to Mr. Justin Lee?

24 A. Yes.

08:52 25 Q. And can you identify Joint Exhibit 147 as an e-mail chain



08:52 1 generated while you were in Iraq? Feel free to look at the  
2 entire document if you need to.

3 A. I would like to. Thank you.

4 Do you want it back?

08:53 5 Q. Yes, please.

6 A. Okay.

7 Q. Do you recognize Exhibit 147 as an e-mail chain between  
8 yourself and your mother while you were in Iraq?

9 A. Yes.

08:53 10 Q. And also your father?

11 A. My father?

12 Q. I believe so, just --

13 A. I don't think so.

14 Q. See right there, to Thomas Jones?

08:54 15 A. Let me see.

16 Q. There (indicating)?

17 A. Okay. Yeah.

18 Q. So, it appears you were in e-mail communication with your  
19 mother and your father from Iraq?

08:54 20 A. Yes.

21 Q. Now, Ms. Jones --

22 MR. McKINNEY: Your Honor, I move for the admission of  
23 Bortz 10 and 11 and also Joint Exhibit 147.

24 MR. KELLY: No objection, your Honor.

08:54 25 MS. VORPAHL: No objection here either.

08:54 1 THE COURT: Admitted without objection.

2 MR. McKINNEY: If we could put Exhibit B10 on the  
3 board, please.

4 BY MR. McKINNEY:

08:55 5 Q. As we can see up here, Ms. Jones, on Friday, July the 8th,  
6 you sent to Justin Lee your mother's curriculum vitae, her  
7 résumé, correct?

8 A. Yes.

9 Q. You identified her as a family member, correct?

08:55 10 A. Yes.

11 Q. Your entire résumé -- the entire e-mail states: Here is my  
12 family member's -- okay -- that I promised you. Please let me  
13 know what she is qualified for. I noticed that she is HazMat  
14 certified with Continental Airlines. That may help place her.  
08:55 15 She can leave in the near future. Thanks for all your help.

16 Your mother was contemplating going over to Iraq,  
17 was she not?

18 A. After she healed from her surgery, yes, her second gastric  
19 bypass.

08:56 20 Q. Yes, ma'am. Your statement in the e-mail here was: She  
21 can leave in the near future?

22 A. Right, in the near future.

23 Q. Let's look at your mother's CV, which is Bortz 11, please.

24 MR. McKINNEY: If you would highlight that -- this

08:56 25 portion -- actually, no, no. Please, down at the bottom, the

08:56

1 bottom two lines.

2 Right here, "I have always had excellent  
3 attendance," if you could highlight that and blow it up.

4 BY MR. MCKINNEY:

08:57

5 Q. As we can see, you're forwarding a résumé regarding your  
6 mother --

7 A. Uh-huh.

8 Q. -- in which she reports that she has always had excellent  
9 attendance. Presumably at work, correct?

08:57

10 A. I can't tell you why she said that. She had been on FMLA,  
11 and I can bring her FMLA paperwork if you would like.

12 Q. I understand. I'm sure you can. But let's just -- looking  
13 at what was written down at the time by you and your family  
14 members --

08:57

15 A. I didn't write her résumé.

16 Q. Well, I understand that. You forwarded the résumé, and  
17 apparently you read it because you were able to comment in your  
18 e-mail your mother was HazMat qualified?

19 A. I knew that.

08:57

20 Q. Okay.

21 A. I didn't read it.

22 Q. Something you knew. All right.

23 A. I know a lot about my mom. It doesn't mean I wrote her  
24 résumé.

08:57

25 Q. Okay.

08:57

1 A. Just like probably your kids can say you're an attorney.

2 My mom did a lot of HazMat.

3 Q. Okay.

4 A. It doesn't mean I read her résumé.

08:58

5 Q. Okay. Fair enough. But if we look at the apparent record

6 at the time as opposed to what we hear verbally at the time --

7 or a verbal description after the fact, the record at the time

8 shows you forwarding your mother's CV and your mother stating

9 to a prospective employer that she has always had, I believe,

08:58

10 excellent attendance. Yes, excellent attendance.

11 A. We're looking at her résumé. She's trying to --

12 THE COURT: Just a second.

13 MR. KELLY: Your Honor, this is improper. He's

14 questioning Ms. Jones on something that her mother wrote. It's

08:58

15 improper.

16 MR. MCKINNEY: And she forwarded.

17 THE COURT: I think she forwarded it with a cover

18 letter. And to the extent she -- Mr. McKinney can ask

19 questions about the cover letter or what she was trying to gain

08:58

20 by it, that's --

21 MR. KELLY: I understand, your Honor. He's actually

22 asking about the content of the --

23 THE COURT: I understand that. What is -- I was going

24 to say, what is your purpose in doing so, Mr. McKinney?

08:59

25 MR. MCKINNEY: The purpose is that Ms. Jones has

08:59 1 testified abundantly before this jury as to her mother's poor  
2 health; and less than a month after her mother's second  
3 surgery, she is sponsoring her mother to KBR for an overseas  
4 assignment in Iraq --

08:59 5 THE COURT: Well, I think you made that point.

6 MR. McKINNEY: Let's now look at Joint Exhibit 147,  
7 the second page, please.

8 BY MR. McKINNEY:

9 Q. As you can see, your mother is --

08:59 10 MR. McKINNEY: Let's go ahead and highlight it, the  
11 top portion right here, please, and that part.

12 BY MR. McKINNEY:

13 Q. As you can see, it's an e-mail from your mother to you  
14 dated July the 26th, close to 5:00 in the afternoon, local  
09:00 15 time?

16 A. Uh-huh.

17 Q. "Yes"?

18 A. Yes.

19 Q. Thank you. And if you'll see the second sentence here,  
09:00 20 your mother is saying that she sent Justin Lee an e-mail: Just  
21 a short note asking about the status of my résumé. I would  
22 still come over if I get the opportunity.

23 A. She would have as soon as she was well. We loved to be --  
24 she was my best friend. And I would love the opportunity to  
09:00 25 bring in her surgical records and FMLA. And it's not fair for

09:00 1 you to do this when even she testified about how sick she was.

2 Q. Ms. Jones, I apologize if I'm being unfair. I'm simply  
3 calling to your attention documents created actually at the  
4 time of the events that you're now describing here in the  
09:01 5 court.

6 A. Right. I understand.

7 Q. Now I would like to change subjects again, and we're going  
8 to go to the subject of your arrival in Iraq.

9 A. Okay.

09:01 10 Q. And tell us, please, how you met up with Pete Arroyo.

11 A. I get to the Green Zone and I was dropped off in operations  
12 and he walked me through the whole process.

13 Q. All right. And then he -- did he drive you somewhere?

14 A. We went to get billeting, got a billeting key and -- that's  
09:02 15 housing. Took me to my barrack, he took me to my office; and I  
16 don't know which we drove to and which we walked.

17 Q. All right. One of the things I picked up on, according to  
18 my notes, when you were being asked questions by Todd Kelly --

19 A. Okay.

09:02 20 Q. -- is that when you met Mr. Arroyo that day, at some point  
21 during that initial encounter, you asked Mr. Arroyo two  
22 questions. You asked him if he was married; he said yes. And  
23 then you asked him if he was happily married, and he said yes.  
24 Did I -- is that what happened?

09:03 25 A. Yeah.

09:03 1 Q. All right. All right. Well, I have some questions for you  
2 about that.

3 A. No problem.

4 Q. Had you ever met Pete Arroyo before?

09:03 5 A. He remembers meeting me in Houston, but I don't remember  
6 that. But I had several conversations in the -- from Houston  
7 to Iraq because I worked night shift, and I think that was  
8 daytime in Iraq.

9 Q. All right. So, before you had met Pete Arroyo and before  
09:03 10 you asked him those questions, you had had a couple of phone  
11 conversations with him?

12 A. Yes. And he remembers a conversation in Houston, and also  
13 I e-mailed him about a job in operations.

14 Q. All right. So, you remember a couple of phone  
09:03 15 conversations and an e-mail before actually meeting Pete Arroyo  
16 face to face?

17 A. Yes. Now, he may have been a familiar face; but I don't  
18 remember that sitting here today. But I definitely recognized  
19 his voice.

09:04 20 Q. Understood. Understood. I guess my question is this,  
21 Ms. Jones: Had you ever asked another -- and Pete Arroyo is  
22 older than you?

23 A. Correct.

24 Q. Considerably?

09:04 25 A. Yes.

09:04 1 Q. Have you ever asked another man of Mr. Arroyo's age, having  
2 just met him face to face for the first time, if he's not only  
3 married but happily married? Has that subject ever come up in  
4 other conversations that you had with older men?

09:04 5 A. Of course.

6 Q. Why would you ask an older man on your first face-to-face  
7 meeting if he was married and, if so, was he happily married?  
8 Why would you ask that question?

9 A. Because I didn't want to be back in the same position that  
09:05 10 I was put in with Eric Iler. It was a relief to know that.  
11 And happily married in Baghdad would mean that he wouldn't come  
12 on to me and I was safe.

13 Q. All right.

14 A. Just because you're -- married men oftentimes will hit on  
09:05 15 you anyways, but happily married men normally won't.

16 Q. Okay. So, you asked that question of Mr. Arroyo upon your  
17 arrival in Iraq because of your memories of Eric Iler?

18 A. Yes. And he will testify that he didn't feel like I was  
19 hitting on him. He did not. It wasn't like that.

09:05 20 Q. With all due respect, Ms. Jones, I'm asking you not --  
21 about what you do, not about what another witness will testify  
22 to.

23 A. Oh, I apologize.

24 Q. Not a problem.

09:06 25 Had Mr. Arroyo given you any indication



09:06 1 whatsoever before you asked those questions that he was  
2 interested in you in any way, other than as a brand-new  
3 employee who he was showing around?

4 A. I don't know. I know that he invited me to go watch a  
09:06 5 movie at some point.

6 Q. Did you --

7 A. I don't remember at this point.

8 Q. Did you ever get the impression that Pete Arroyo was  
9 interested in you in a sexual way?

09:06 10 A. No, not after that.

11 Q. Well, before that, before you asked those questions, had he  
12 done anything to make you think that he was interested in you  
13 in a sexual way, prompting you to ask those questions?

14 A. Not sexual. It's just -- I was just trying to be careful.  
09:07 15 I was in a foreign country.

16 Q. When we stopped late yesterday, we were reviewing the  
17 e-mails that you wrote the morning after you say that you were  
18 raped by my client, Charles Bortz.

19 A. Yes, we were.

09:07 20 Q. And we reviewed the e-mail chain in which you thanked  
21 Mr. Arroyo for taking you to work, told him that you were sure  
22 that you were already caught up in camp gossip, told him that  
23 the girls here all hated you, and told him that already it was  
24 day three and you've made enemies, correct?

09:08 25 A. Yes.

09:08 1 Q. And so that we are crystal clear on this point, you don't  
2 remember writing any of those e-mails and never have remembered  
3 writing any of those e-mails. Fair statement?

4 A. I was under the influence of a rape facilitation drug. I  
09:08 5 was so foggy. I was confused. I -- I can't even really  
6 explain it because I was still under the influence.

7 Q. All right. So, are you telling us that the drug that you  
8 say that you were given affected your memory that morning to  
9 the point where you are unable to remember writing any of these  
09:08 10 e-mails?

11 A. It was either the drug or shock. I was in a lot of shock.  
12 I was in a lot of pain, and I didn't know what to do. I wanted  
13 this not to have happened. I wanted to go on with my job. I  
14 wanted it so bad. I did not want that to be my reality.

09:09 15 And if I could have ignored it, I would have; but  
16 I couldn't. I was in a lot of pain. And I finally asked Pete  
17 to come over, in one of those e-mails, for a listening ear.

18 Q. All right. I don't mean to upset you, Ms. Jones; but these  
19 are questions that --

09:09 20 A. I know. I --

21 Q. -- may be important for our jury.

22 A. -- respect the process, and I know you need to inquire.

23 Q. I want to try, as best I can, to find out from you a couple  
24 of things. First, I want to try to understand what you're  
09:09 25 saying. Are you telling us that -- and this would be

09:10 1 consistent with your deposition, which is why I am asking the  
2 question in this form.

3 Are you telling us that you don't remember any  
4 conversations you had with Pete Arroyo that morning going to  
09:10 5 work and you don't remember any of the e-mails that we've  
6 talked about and some other e-mails that we have yet to talk  
7 about? You simply don't remember those?

8 A. I said in my deposition the last few I did remember; but  
9 the ones that you're inquiring about right now, I don't.

09:10 10 Q. All right. And the ride to work with Pete Arroyo, is it  
11 still your testimony --

12 A. Very fuzzy. Very, very fuzzy.

13 Q. Do you recall any conversation whatsoever that you and  
14 Mr. Arroyo had that morning?

09:10 15 A. I don't even remember if I called him or he called me.

16 Q. And so, would the answer to the question be: No, I don't  
17 remember any conversation that I had with Pete Arroyo that  
18 morning?

19 A. I can't remember a conversation.

09:10 20 Q. All right. So, you remember -- you don't have a recall of  
21 any conversations with Pete on the way to work?

22 A. Not as I'm sitting here today. I can't remember.

23 Q. All right.

24 A. I'm trying my best to remember.

09:11 25 Q. I understand.

09:11 1 A. I was under a fog.

2 Q. And we're going to talk about the fog in just a second. I  
3 really will, Ms. Jones. And I want you to say everything that  
4 you want to say to the jury. I don't want you to hold anything  
09:11 5 back.

6 Is it also true that the e-mail string that we  
7 talked about yesterday is an e-mail string regarding which  
8 still today you have no recall or memory?

9 A. Which -- can we go through each one like we did in my last  
09:11 10 deposition --

11 Q. Sure.

12 A. -- and I tell you which ones I remember --

13 Q. Sure.

14 A. -- and which ones I don't?

09:11 15 Q. Sure. Of course. Of course.

16 MR. McKINNEY: Could we please put Joint Exhibit 56  
17 up?

18 BY MR. McKINNEY:

19 Q. This is your initial e-mail to Pete Arroyo that morning  
09:12 20 thanking him for taking you to work.

21 A. I don't remember that one.

22 Q. All right. And do you remember the response where he  
23 says -- there's a pointer around here somewhere. I've covered  
24 it up.

09:12 25 MR. McKINNEY: The next response up at the top of the

09:12

1 page, please.

2 BY MR. McKINNEY:

3 Q. His reply to you --

4 MR. McKINNEY: No, I'm afraid we're still on -- you

09:12

5 need to go back to the very first page -- the second -- the  
6 second to the last page of the e-mail string.7 THE WITNESS: Are you going to put the additional ones  
8 up?

9 BY MR. McKINNEY:

09:12

10 Q. Yes, we're going to talk about those in a minute.

11 A. Okay.

12 Q. Okay. Here's where you thank Pete Arroyo for taking you to  
13 work, and you say you don't remember that?

14 A. No.

09:13

15 Q. Then your response -- or his response to you, which is:

16 Not a problem. Just promise you won't get caught up in camp  
17 gossip.18 You don't remember that statement coming back to  
19 you?

09:13

20 A. No.

21 Q. And then your reply, which we see up at the top, states:

22 Oh, I'm sure I already am.

23 Do you have any memory of that?

24 A. No.

09:13

25 MR. McKINNEY: Next page.

09:13 1 BY MR. MCKINNEY:

2 Q. And again, this is an odd response from Pete Arroyo. He  
3 says: Good deal.

4 And then you write back to him, and you say: The  
09:13 5 girls hate me here.

6 Do you have any recall of that?

7 A. Not really.

8 Q. Pardon me?

9 A. No.

09:13 10 Q. All right.

11 MR. MCKINNEY: Next page.

12 BY MR. MCKINNEY:

13 Q. At the bottom we see Pete's reply to your statement that:  
14 The girls all hate me here.

09:14 15 And he says: Because you are a threat to the  
16 attention that they get from the guys. Don't worry. When they  
17 see you are a real person, they will warm up to you. However,  
18 just be prepared to deal with Beneta when her boyfriend breaks  
19 up with her and begins his slow dissent into the, parenthesis,  
09:14 20 quote, oh, shit, close quote, I shouldn't have broken up with  
21 my girlfriend, close parentheses. Jamie, just be yourself and  
22 everything will be fine.

23 Do you have any memory of receiving that e-mail?

24 A. No.

09:14 25 Q. And then we'll see your response here in just a second.

09:14 1 You wrote back apparently, and you wrote: I  
2 don't know, dude. This place is kind of messed up. Already I  
3 have enemies, and it's day three.

4 Do you recall writing that e-mail?

09:14 5 A. No.

6 Q. All right. Now, before we talk about the next e-mail  
7 string, can you tell our jury whether your lack of recollection  
8 of these e-mails is due to the effect of the drugs that you say  
9 that you were given or due to some state of shock that you were  
09:15 10 in that's caused your mind to go blank or is it some  
11 combination of the two, in your opinion?

12 A. I have no opinion. I just don't remember. I still felt  
13 very strange from what I was given.

14 Q. All right. Now --

09:15 15 A. It could have been both. It could have been just the drug;  
16 it could have been shock.

17 Q. You -- do you deny having written these e-mails?

18 A. I can't deny one way or the other.

19 Q. All right.

09:15 20 A. Because I don't remember.

21 Q. You would agree with me, Ms. Jones, that it appears that  
22 you wrote these e-mails?

23 A. It does.

24 Q. And you would agree with me that in order to write e-mails  
09:16 25 saying what you said and responding to another person's words,

09:16 1 you would have to read the other person's words and understand  
2 their meaning in order to respond? You would have to do that,  
3 wouldn't you?

4 A. Well, have you ever seen the movie "Hangover"? I mean,  
09:16 5 when you're given Rohypnol, sometimes you can do crazy things.

6 Q. We're going to talk about Rohypnol in just a moment.

7 A. Or GHB.

8 Q. All right. We're going to talk about Rohypnol in just a  
9 minute. What I am talking about right now, though, is when you  
09:16 10 respond to an e-mail, in order to do that, first you have to  
11 read what's been written to you and understand it, correct?

12 A. Yeah.

13 Q. And then you have to formulate, if you're going to do a  
14 reply, the words that you're going to reply with and you have  
09:17 15 to hit the keys on the keyboard?

16 A. Yes.

17 Q. And then you have to hit send. All of that requires  
18 intelligent cognitive thinking, correct?

19 A. (No response.)

09:17 20 Q. It requires a thought process. It's not like falling down.  
21 It's not accidental. It's not inadvertent. The mind has to be  
22 doing something to make these words appear on paper and be sent  
23 to another person in e-mail form. Do you agree with all that?

24 A. I'm not going to deny -- I was so shocked and so -- I can't  
09:17 25 even remember these.



09:17 1 Q. I understand.

2 A. And --

3 Q. But that's actually not the question. We're talking about  
4 now what you or anyone else would have to do in order to  
09:17 5 generate these e-mails.

6 And whether you remember it or not, you would  
7 have to be in a frame of mind where you were able to read and  
8 understand what was being sent to you, formulate a coherent  
9 responsive reply, enter that coherent responsive reply onto  
09:18 10 your screen using your keyboard, and then hit send. All of  
11 those things would have to happen intentionally. They can't  
12 happen accidentally or inadvertently. You would agree with  
13 that?

14 A. Yes.

09:18 15 Q. But it's your position that your mind was blanked out and  
16 you have no memory because you were possibly given Rohypnol or  
17 GHB?

18 A. Or shocked.

19 Q. Or shocked. Let me show you, just in case it's important  
09:19 20 later on --

21 MR. McKINNEY: May I approach the witness?

22 THE COURT: You may.

23 BY MR. McKINNEY:

24 Q. Ms. Jones, have you seen what has been marked as  
09:19 25 Exhibit B73, the Landstuhl, Germany, Department of the Army

09:20

1 drug screen that was run on you?

2 A. Let me see it.

3 Yes.

4 Q. Do you recall that Dr. Schulz took a urine sample from you  
09:20 5 during your rape kit examination?

6 A. I don't remember one way or the other, but I think that she  
7 did.

8 Q. All right.

09:20

9 MR. McKINNEY: Your Honor, I move for the admission  
10 into evidence of Bortz Exhibit 73.

11 MR. KELLY: No objection, your Honor.

12 THE COURT: Admitted without objection.

13 MS. VORPAHL: No objection here.

09:21

14 MR. McKINNEY: If we could put the first page of --  
15 thank you. I misplaced the pointer.

16 MS. VORPAHL: It's right on the edge there, on the  
17 front edge of the Elmo.

18 MR. McKINNEY: Oh, yes, here it is. Thank you.

09:21

19 The highlighting right up in here. Will you  
20 highlight that part right there?

21 BY MR. McKINNEY:

22 Q. The first page of Bortz Exhibit 73 is a transmittal letter  
23 from the Army Regional Medical Center at Landstuhl, Germany.

24 A. Uh-huh.

09:21

25 Q. All right. Do you understand that that's what Bortz

09:22 1 Exhibit 73 is?

2 A. I do.

3 Q. And do you understand that a urine sample taken from you  
4 the morning of -- or at the time that you went to see

09:22 5 Dr. Schulz was sent to the Landstuhl Regional Medical Center?

6 A. I understand that. But I also understand that there was  
7 too long in between the time I was administered GHB or Rohypnol  
8 between the time I took the urine for it to be detected. I  
9 understand that through the FBI investigators as well.

09:22 10 Q. Yes, ma'am. And we're going to have more evidence on that  
11 and perhaps your understanding is correct and perhaps it isn't.

12 And let me -- in that regard, let me ask you  
13 if -- have you come to understand that if there is an interest  
14 in performing a reliable drug screen for Rohypnol within  
09:22 15 24 hours of alleged ingestion, the preferred medium or specimen  
16 for testing for Rohypnol is urine and not blood? Have you come  
17 to learn that?

18 A. I have.

19 Q. And have you come to learn that Rohypnol remains in the  
09:23 20 urine much longer than it remains in the blood stream, that it  
21 is rapidly eliminated from the blood stream but not the urine?

22 A. I'm really not a toxicologist, so --

23 Q. All right.

24 MR. MCKINNEY: Let's go to the last page, please; and  
09:23 25 let's highlight that right there.

09:23 1 Highlight this line right here, please. And also  
2 pick up right up there, please.

3 BY MR. MCKINNEY:

4 Q. We see up here -- this is a lab report; and they're written  
09:23 5 in technical non-narrative form, as you've probably noticed  
6 from reading your medical records. We can see up here that the  
7 specimen taken was urine.

8 A. I see that.

9 Q. And we see that it was taken at the request of Dr. Schulz.  
09:24 10 Do you see that?

11 A. Yes.

12 Q. And do you see what the -- what this word right here is?

13 A. Yes.

14 Q. Are you, by any chance, able to pronounce that word?

09:24 15 Because I can't.

16 THE COURT: I think everybody sees it. We don't need  
17 to guess at how it's pronounced.

18 BY MR. MCKINNEY:

19 Q. All right. Are you aware that Flunit- whatever is the  
09:24 20 generic name for Rohypnol?

21 A. Flunitrazepam. Yes.

22 Q. And so, what we're looking at here is the generic name for  
23 Rohypnol?

24 A. Yes.

09:24 25 Q. And are you aware that the "ND" right here means "none

09:24

1 detected"?

2 A. Yes.

3 Q. So, looking at the objective evidence regarding Rohypnol,  
4 would you agree with me that a urine sample was taken from you  
09:25 5 within 24 hours of your alleged ingestion of Rohypnol, it was  
6 tested by the Army in Landstuhl, Germany and no Rohypnol was  
7 found? Would you agree with me that that is what the record  
8 shows?

9 A. And I also would like to say that it was two years later --

09:25

10 Q. Ms. Jones --

11 A. -- when this was run and -- I believe.

12 Q. Well --

13 THE COURT: Two years or two days?

14 THE WITNESS: I think it was two years. Can we look  
09:25 15 at the date? Because that's what the investigators said,  
16 something like that.

17 THE COURT: The date on this is July of -- well, it  
18 just went off -- July of 2005.

19 THE WITNESS: When is it? Oh, okay. So, the blood  
09:25 20 was two years later. I'm sorry.

21 BY MR. McKINNEY:

22 Q. So, to get back to the question --

23 MR. McKINNEY: Which I would like the court reporter  
24 to read back, please.

09:26

25 THE COURT: I can do it.

09:26 1 So, looking at the objective evidence regarding  
2 Rohypnol, would you agree with me that a urine sample was taken  
3 from you within 24 hours of your alleged ingestion of Rohypnol,  
4 it was tested by the Army in Landstuhl, Germany, and no  
09:26 5 Rohypnol was found; would you agree with me that that is what  
6 the record shows?

7 BY MR. McKINNEY:

8 Q. Did you hear the Judge read the question back?

9 A. That is what it says.

09:26 10 Q. You agree that this is what the record shows?

11 A. Yes.

12 Q. With respect to Rohypnol?

13 A. With respect to Rohypnol and not GHB.

14 Q. Understood.

09:26 15 There was a second e-mail string that morning  
16 between you and Pete Arroyo, and you mentioned that earlier and  
17 asked if I was going to ask you about it.

18 A. Yes.

19 Q. And that's what we're getting ready to do.

09:27 20 MR. McKINNEY: If we could have Joint Exhibit 57,  
21 please, put up on the board. And go to the last page, please.

22 BY MR. McKINNEY:

23 Q. As you can see, the last page begins with the same  
24 communication between Darrell Kaigler and Pete Arroyo that led  
09:27 25 to the e-mail string between you and Mr. Arroyo. Do you see

09:27

1 that there?

2 A. I thought it was the day before.

3 Q. It is the day before.

4 A. Oh.

09:27

5 Q. That's kind of a -- really not relevant to what we're  
6 talking about.

7 A. Okay.

8 MR. McKINNEY: Next page, please.

9 BY MR. McKINNEY:

09:27

10 Q. Okay. Again, the e-mail string begins: Thanks so much for  
11 taking me to work this morning.12 And then the next response -- and then you  
13 reply -- or then he replies: Not a problem. Just promise you  
14 won't get caught up in camp gossip.

09:28

15 And you say: Oh, I'm sure I already am.

16 And all of this is a repeat of what we've already  
17 talked about, but we're getting there.

18 A. Correct.

19 Q. And then he replies --

09:28

20 MR. McKINNEY: Next page.

21 BY MR. McKINNEY:

22 Q. -- "Good deal." And again, no idea why he said that.

23 And then here's what you say at 7:52 in the  
24 morning: I don't feel so good today. It's like I was food  
09:29 25 poisoned or something.

09:29

1 Do you see that?

2 A. I do.

3 Q. Now, this e-mail, I don't feel so good today. I feel like  
4 I was food poisoned, was apparently written at 7:52. Do you  
5 see that?

6 A. Yes.

7 Q. At 7:54, in the other e-mail chain, that's when you wrote:  
8 I don't know, dude. This place is kind of messed up. Already  
9 I have enemies, and it's day three.

09:29

10 Do you recall that from the last e-mail string?

11 A. Yes. Were we out of order before?

12 Q. Well, I'm taking them in time order.

13 A. Okay.

14 Q. And there's two different strings and it's a little bit  
15 confusing and I apologize for that.

09:30

16 A. Okay.

17 Q. But I just want -- what I wanted to do was to call your  
18 attention to the fact that two minutes after you wrote Pete  
19 Arroyo and said, "I don't feel so good today. It's like I was  
20 food poisoned or something," two minutes later you said, "I  
21 don't know, dude. This place is kind of messed up. Already I  
22 have enemies, and it's day three."

09:30

23 Now, you've told us you don't remember the "I  
24 have enemies, and it's day three" e-mail, correct?

09:30

25 A. Right.



09:30 1 Q. Do you remember writing to Pete Arroyo two minutes before  
2 that and saying, "I don't feel so good today. It's like I was  
3 food poisoned or something"?

4 A. I don't know. I can't tell you one way or the other.

09:30 5 Q. All right. Let's go to Pete's response. Pete wrote back  
6 and said: Drink plenty of water. You have what we commonly  
7 call the Baghdad shits. It comes from eating the food in Dubai  
8 and just starting to eat the food here.

9 MR. McKINNEY: Next page.

09:31 10 BY MR. McKINNEY:

11 Q. Your response is: What is a Baghdad shirt?

12 And do you remember any of this e-mail back and  
13 forth?

14 A. I just think I was confused still, and still there was a  
09:31 15 fog.

16 Q. All right. So, the -- just to be clear for our record, at  
17 this point you still have no memory of any of the e-mail  
18 communications between you and Mr. Arroyo. Is that what you  
19 are telling us?

09:32 20 A. As I'm sitting here today, I don't remember.

21 Q. All right. Pete writes back to you: I got to walk over to  
22 Commo and sign for my phone.

23 Is "Commo" the communications center?

24 A. Probably. It makes sense.

09:32 25 Q. All right. And again, I hate to be asking the same

09:32 1 question over and over again; but is your memory of what  
2 happened that morning starting to pick up at this point --  
3 A. (No response.)  
4 Q. -- when Pete says to you, "I got to walk over to Commo and  
09:32 5 sign for my phone"?  
6 A. Maybe.  
7 Q. You think you might --  
8 A. Looks familiar.  
9 Q. -- start having a vague recollection of this statement?  
09:32 10 A. It just looks familiar.  
11 Q. Okay. Well, now you've read these a number of times.  
12 A. I know, so that's kind of --  
13 Q. And what we don't want to do is confuse familiarity that  
14 you've acquired by preparing to give your testimony and your  
09:33 15 actual memory at the time.  
16 A. Right.  
17 Q. So, focusing on -- as best you can, on your actual memory  
18 at the time, can you tell us whether you have any kind of  
19 recall whatsoever of this 9:16 a.m. e-mail -- sorry, this  
09:33 20 8:27 e-mail from Pete Arroyo stating, "I got to walk over to  
21 Commo and sign for my phone"?  
22 A. I can just tell you it looks familiar.  
23 Q. But you don't know whether it looks familiar because you've  
24 read it in preparation for your trial or whether it's something  
09:33 25 you remember from back then?

09:33

1 A. It just looks familiar. I don't know.

2 Q. And then you respond to Pete and you say -- this is at  
3 9:16 a.m.: Cool. I'm upstairs. Dude, I am like so sad today.  
4 I miss my family, exclamation mark.

09:34

5 Do you recall writing that e-mail?

6 A. No. It just looks familiar.

7 Q. All right. But you have no recollection of actually having  
8 written it?

9 A. Not really. It just looks familiar.

09:34

10 Q. Okay. Next page, Pete replies to you: Well, missing your  
11 family is going to be the start, considering the way you are  
12 being treated. I know you will find your niche. It takes some  
13 time, just be patient. You know you can always talk to me.

14 Do you remember Pete saying that to you?

09:34

15 A. Just looks familiar.

16 Q. But the question is: Do you remember him saying that to  
17 you?

18 A. I can just say it looks familiar.

19 THE COURT: It is an important question, whether  
20 you -- whether the familiarity stems from your remembering what  
21 happened in 2005 or the familiarity is just a product of  
22 preparing for trial.

09:35

23 THE WITNESS: What I remember is when he finally said,  
24 I guess, at the end that he was -- I think I said something  
25 like, I need a listening ear. And then I think he was going to

09:35

09:35 1 come pick me up. I remember that from Baghdad. Everything  
2 else is just -- I don't know, looks familiar.

3 BY MR. McKINNEY:

4 Q. Well, as Judge Ellison said, it is --

09:35 5 A. It is important, I agree.

6 Q. -- it is important. And so, it's one thing for something  
7 to look familiar; it's another thing to actually be able to  
8 remember, sitting here today, having done something or not.

9 A. I know, and I'm so sorry. I'm doing my best to try to  
09:36 10 remember. This was around a really traumatic event for me.

11 Q. I understand. I understand.

12 In any event, you wrote back to Pete at 9:34 and  
13 you said: I think for now on I am going to my barrack and just  
14 being a clam after work. Something happened after I got off  
09:36 15 the phone with you. I wanted to talk to you about it later.

16 Do you remember writing that?

17 A. Not specifically.

18 Q. All right. Now, one of the things that happened after you  
19 got off the phone with Pete the night before was the issue with  
09:37 20 Sara Simco?

21 A. Yes.

22 Q. That happened after getting off the phone?

23 A. And I was also raped.

24 Q. Yes, I understand that's what you're telling us.

09:37 25 Pete replies to you: Sure. I hope everything is

09:37

1 okay. Nothing bad, I hope?

2 Do you see that?

3 A. Yes.

4 Q. And do you remember receiving that e-mail from Pete Arroyo?

09:37

5 A. I don't remember specifically, but it looks familiar.

6 Q. Your response, at the bottom of the next page: I don't  
7 know. It really sucks what happened. I don't want you to get  
8 pulled in or anything, maybe just be a listening ear or  
9 something.

09:38

10 A. I remember that.

11 Q. You do remember that? You have to --

12 A. I remember the "listening ear or something," I do remember  
13 that.

14 Q. All right. So, at 9:42 a.m., if the time sequences later  
15 become important, you're saying that you're beginning to have  
16 an actual memory, here in the courtroom, of some part of this  
17 e-mail string?

09:38

18 A. Yes.

19 Q. All right. Now, not intending to argue with you but the  
20 phrase not wanting to get Pete pulled in or anything would be  
21 consistent with not wanting to get Pete involved in a squabble  
22 between you and Sara Simco and the other girls. It would be  
23 consistent with that type of a communication, would it not?

09:38

24 A. Well, as you said yesterday, Sara Simco already had  
25 forgiven me. That was not the big deal. I wouldn't have just,

09:39

09:39 1 "Oh, my gosh, Sara Simco," who is going back home to the  
2 United States in a week, "I'm so worried about it." That's  
3 just not even realistic. She was leaving.

4 Yes, the girls were a little messed up and, yes,  
09:39 5 I didn't like it. But it wasn't a huge deal. It really sucks  
6 what happened, yada, yada, yada. It wasn't.

7 Q. Okay. So, you're saying that this is not consistent with  
8 you being caught up in camp gossip, having enemies on day  
9 three, and the girls here all hating you?

09:39 10 A. When he arrived, I talked to him about the rape. That's  
11 what I was talking about here.

12 Q. But that is not my question, Ms. Jones.

13 My question is: Looking at the record at the  
14 time and your e-mail strings at the time, that morning, even  
09:40 15 though you don't remember them, isn't the statement, I don't  
16 want you to get caught up -- "I don't want you to get pulled in  
17 or anything" consistent with -- I know you say it's not what  
18 happened, but it's consistent with your concerns about the  
19 girls all hating you, you being caught up in camp gossip, and  
09:40 20 it being day three and you're already having enemies? This  
21 statement is consistent with that scenario, is it not?

22 A. It would look like that. But honestly, I was trying to put  
23 the pieces together of what happened. I wasn't even sure I was  
24 going to report it yet.

09:40 25 And when the -- whatever they gave me, GHB,

09:41 1 Rohypnol, or whatever that they put in my drink, when that  
2 started to fade off, I started hurting way worse and, you know,  
3 I didn't want to have to go home. I needed the job in Baghdad.  
4 I definitely needed it. And I didn't want to report. I didn't  
09:41 5 want to do this. And -- but when the drug started wearing off  
6 and I started really hurting, I knew I had no choice but to  
7 report.

8 THE COURT: Let's take our morning break now.  
9 Would all rise for the jury.

09:41 10 *(Jury not present)*

11 THE COURT: Okay. You-all may be seated or excused,  
12 as you may wish.

13 *(Recess was taken from 9:42 a.m. to 9:53 a.m.)*

14 *(Jury not present)*

09:53 15 MR. McKINNEY: I have something to take up before the  
16 jury comes in.

17 THE COURT: I'm ready when you-all are ready.

18 MR. McKINNEY: We're waiting for opposing counsel.

19 THE COURT: Could somebody go try to find plaintiff's  
09:53 20 lawyers?

21 MR. HEDGES: Mr. Kelly and Mr. Estefan are coming in  
22 right now.

23 THE COURT: Mr. McKinney had something to bring up  
24 before the jury comes in.

09:54 25 MR. KELLY: Good. I think our client is still

09:54 1 downstairs.

2 MR. McKINNEY: Your Honor, based on the Court's ruling  
3 this morning and the redirect and the recross, I simply wanted  
4 to advise the Court and everyone else that I will be foregoing  
09:54 5 a significant section of my cross and deferring it to my  
6 recross. It will be much broader than recross would normally  
7 be.

8 THE COURT: I understand that. That's my fault. I  
9 know it is.

09:54 10 MR. McKINNEY: Oh, no. I'm not -- I just --

11 THE COURT: I understand that.

12 MS. VORPAHL: And I intend to do the same, Judge.

13 THE COURT: I understand. Very well.

14 MR. KELLY: And if I could just make a record on this,  
09:54 15 your Honor. Obviously, we would not be going into this issue  
16 at all but for the Court's ruling, which, naturally, we're  
17 opposed to the ruling based upon Rule 412.

18 THE COURT: Okay. Thank you very much.

19 MR. McKINNEY: Judge, while the jury is out, based on  
09:55 20 the Court's -- based on the Court's most recent ruling on this  
21 topic --

22 THE COURT: Yes, sir.

23 MR. McKINNEY: -- I now move for the admission of  
24 Bortz Exhibit 182 --

09:55 25 THE COURT: Okay.



09:55 1 MR. McKINNEY: -- which is the unredacted copy.

2 THE COURT: Admitted over -- over plaintiffs'  
3 objection, yes.

4 MR. KELLY: Thank you, your Honor.

09:58 5 THE COURT: All right. Yes, sir, we're ready for the  
6 jury.

7 (*Jury present*)

8 THE COURT: Members of the jury, please be seated.  
9 You may proceed.

09:59 10 MR. McKINNEY: May it please the Court.

11 BY MR. McKINNEY:

12 Q. Ms. Jones --

13 MR. McKINNEY: If we could put the page -- the second  
14 to the last page -- or sorry -- the second page that we were  
09:59 15 just reading from, from Joint Exhibit 57 up, please. And go up  
16 to the middle message, please.

17 BY MR. McKINNEY:

18 Q. When we left off before our break --

19 A. Yes.

09:59 20 Q. -- we had read into evidence and you and I had chatted  
21 about the statement you got -- or the response you got from  
22 Pete Arroyo, asking you -- bear with me a second.

23 A. No problem.

24 Q. -- asking you: Do you need a ride to Camp Hope or do you  
10:00 25 want me to come over to the Commo shop so you can talk to me or

10:00

1 would you like to meet outside or something?

2                   Actually, we didn't talk about that. We're just  
3 now talking about that for the first time, are we not?

4 A. Yeah, correct.

10:00

5 Q. I apologize.

6 A. No problem.

7 Q. Do you recall Pete sending you this e-mail?

8 A. I remember coming outside or --

9 Q. Actually, Ms. Jones, not to interrupt you --

10:00

10 A. No problem.

11 Q. -- but the specific question is: Do you recall receiving  
12 this particular e-mail from Pete Arroyo, asking if you need a  
13 ride or if you want him to come over?

14 A. I don't remember him saying that I need a ride, but I  
15 just -- the meet outside or something, I remember that.

10:00

16 Q. All right. And let's look at your response.

17                   MR. McKINNEY: And let's enlarge that, please.

18 BY MR. McKINNEY:

19 Q. This is at 9:48 in the morning, the morning after you say  
20 that you were raped by Charles Bortz.

10:01

21 A. Yes.

22 Q. And in response to Pete's question whether you need a ride  
23 or you want him to come over, you say: No, in capital letters,  
24 I don't need a ride, LOL.

10:01

25                   Do you see that?

10:01 1 A. Yes.

2 Q. Do you recall writing that?

3 A. I don't know why I said, "No, I don't need a ride, LOL." I

4 don't know.

10:01 5 Q. "LOL" means "laugh out loud"?

6 A. Correct.

7 Q. Laughing out loud is not consistent with realizing you've

8 been raped and wanting to talk to someone about it, is it?

9 A. I don't know what's -- I was thinking; but I know when I

10:02 10 picked him up, I told him all about it. I --

11 Q. And you continued: Um, whatever, I kind of want to talk.

12 That's what you said?

13 A. It looks like I said, yes.

14 MR. McKINNEY: Next page, please.

10:02 15 BY MR. McKINNEY:

16 Q. Pete says to you: I'll be there in a few minutes, so come

17 outside.

18 And that's at roughly ten till 10:00 that

19 morning?

10:02 20 A. Yes.

21 Q. And your response was --

22 MR. McKINNEY: Not up there, no, ma'am. In the

23 middle. There we go.

24 BY MR. McKINNEY:

10:02 25 Q. "Thanks," with a smiley face?

10:02

1 A. That's what it says.

2 Q. Do you remember typing any of that?

3 A. I'm sure I said, "Thanks."

4 Q. Okay. Ms. Jones, my notes indicate that in response to

10:03

5 questions from your attorney and perhaps in response to some of  
6 my questions that you say that you did e-mail someone that  
7 morning and say that you were raped. Did I write it down wrong  
8 or is that --

9 A. I did.

10:03

10 Q. You did say that?

11 A. Yes.

12 Q. And you do actually, even here sitting today, remember  
13 doing that?

14 A. I do.

10:03

15 Q. And tell me the name of the person that you say that you  
16 e-mailed and told that you were raped.

17 A. Now, I don't know the last name for sure, but it was Mike.  
18 He went by Mikey. I think it was Mike White, but not a hundred  
19 percent on the last name. But I know he went by Mike and Mikey  
20 and he worked in Houston for the -- in a department that  
21 warehoused computers.

10:03

22 Q. All right. So, let's get the full picture here, if we can.

23 Sometime that morning, although you don't recall  
24 any of the e-mails that we've reviewed, you do recall sending  
25 an e-mail that we do not have to Mike, possibly last named

10:04

10:04 1 White, who worked in the computer warehouse section of KBR. Is  
2 that correct?

3 A. Yes.

4 Q. Now, tell me -- I'm going to ask you some questions about  
10:04 5 Mike. Was Mike a social friend of yours when you were back in  
6 Houston?

7 A. Yes.

8 Q. And how often would you and Mike get together?

9 A. We got together one time after work, but he was a friend at  
10:05 10 work. And he would bring his son in, and his son was a baby.  
11 And the way that he treated his son and everything, I just  
12 thought he was a great person.

13 Q. All right. And so, you went out once after work with Mike.  
14 Did anybody -- anyone else go out with you and Mike?

10:05 15 A. No.

16 Q. Just the two of you?

17 A. Yes. But it was a social. It wasn't --

18 Q. Understood. Not -- I'm not implying a thing.

19 And you were in the operations department. Did  
10:05 20 you meet Mike when you were in the operations department or  
21 when you were in the IT department?

22 A. IT department. I knew him for quite some time. He would  
23 come in a lot and bring computers to the office all the time.  
24 He would take a bunch of the laptops that people were going to  
10:05 25 use when they went overseas, to our office, because he worked

10:06

1 at the warehouse.

2 Q. All right. Now, I suppose when you -- and I'm assuming  
3 here, so tell me if I'm wrong. I'm assuming that when you  
4 e-mailed Mike, you had made the decision to report that you had  
5 been raped?

10:06

6 A. I wanted to know what to do. I didn't know what to do.

7 Q. If -- and I understand what you're saying, but in order for  
8 you to -- and help me with this. In order for you to apply  
9 yourself to the keyboard and formulate this very difficult

10:06

10 message to Mr. White back in Houston, you would have had to  
11 have -- you would have had to have made the decision that you  
12 were going to report the rape?

13 A. I reported it to a friend.

14 Q. All right. Now, we've seen from Joint Exhibit 147 that you  
15 had your mother's e-mail address and your father's e-mail  
16 address there on your work computer in Iraq.

10:07

17 A. I did.

18 Q. We have seen that?

19 A. Yes.

10:07

20 Q. And if you were going to report that you had been raped --  
21 I hope that wasn't me.

22 If you were going to report that you had been  
23 raped -- trying to understand your decision process here -- you  
24 have the ability to communicate with your mother, true?

10:07

25 A. True.

10:07 1 Q. You have the ability to communicate with your father, true?

2 A. True.

3 Q. And, in fact, later that afternoon that is exactly who you  
4 wanted to communicate with, your father, true?

10:07 5 A. True.

6 Q. And so, there you are that morning and you're going through  
7 the decision process of who to inform of this horrific event  
8 and tell us what your thinking was when you passed over your  
9 mother and your father and chose Mike White back in Houston.

10:08 10 A. Right now? Okay.

11 I wasn't sure if I was going to report it to  
12 authorities yet or not. And I wanted someone to talk to. And  
13 if I would have decided to report to authorities, then I would  
14 have chosen my mother and father because they would have made  
15 sure, as parents would.

10:08 16 Q. Do you know what time it would be in the United States when  
17 you sent your e-mail that you say you sent that morning?

18 A. No clue.

19 Q. Some time late at night, wouldn't it?

10:09 20 A. Probably.

21 Q. So, any report that you would be making to Houston during  
22 this time, this morning, would be afterhours in Houston and not  
23 likely to be read for eight to 10 hours later?

24 A. I don't think I was thinking about all of that after this.

10:09 25 Q. Understood. Now, you also were in communication with Pete

10:09 1 Arroyo by e-mail that morning. We've seen copious evidence of  
2 that, have we not?

3 A. Yes.

4 Q. And so, again, just like the decision process that caused  
10:09 5 you to select Mike White in Houston over your -- either one of  
6 your parents in Houston, can you tell the jury, please, what  
7 your decision process was in reporting to Mike White afterhours  
8 in Houston specifically that you had been raped and not saying  
9 so specifically to Pete Arroyo, who was right there, local,  
10:10 10 same time zone, et cetera? Can you tell us what your decision  
11 process was?

12 A. I wasn't a close friend of Pete Arroyo.

13 Q. Pardon me?

14 A. I wasn't a close friend of Pete Arroyo. I talked to him  
10:10 15 with business before, talked --

16 Q. Well, you were getting ready to meet with Pete Arroyo and  
17 make your disclosure, were you not?

18 A. Yeah, but I didn't e-mail him about it. I would have  
19 rather -- for him not being a close friend, I would have rather  
10:10 20 talked to someone like that face to face. And I even told him  
21 that I wasn't sure if I was going to -- what to do with it yet.

22 Q. All right. Now, let me change subjects with you totally.

23 A. Okay.

24 Q. Because of a note that I made when you were discussing  
10:11 25 being with Kristen Rumba in the container after you had seen



1 Dr. Schulz.

2 A. Kristen Rumba in a container?

3 Q. Sorry. Not Kristen Rumba. Jamie Armstrong. I get those  
4 two names confused, and I've been doing that for the last two  
5 years. I apologize.

6 A. No problem.

7 Q. Jamie Armstrong. Let me correct my notes real quick.  
8 Somewhat embarrassing. Well, also I've lost my pen, so I won't  
9 even do that.

10 Ms. Armstrong was in your trailer for a  
11 relatively brief time. You told us that in your deposition?

12 A. Yes.

13 Q. You told us in your testimony in response to one of  
14 Mr. Kelly's questions -- and I think I wrote this down  
15 correctly -- that Kristen Rumba --

16 A. Jamie Armstrong.

17 Q. Sorry.

18 A. It's okay.

19 Q. Thank you.

20 A. We'll just go with Kristen Rumba.

21 Q. It's awful. Awful. I apologize. Jamie Armstrong.

22 -- Jamie Armstrong came to your trailer -- or  
23 your container --

24 A. Yes.

25 Q. -- and told you she wanted a statement and said to you that

1 they buried a woman over here who was raped.

2 A. Yes.

3 Q. That was your testimony last Thursday?

4 A. Yes.

5 Q. Did Ms. Armstrong make the statement about burying a woman  
6 who had been raped in Iraq to you before, during, or after you  
7 wrote your statement?

8 A. Before.

9 Q. That's -- did -- was it your impression -- because this is  
10 the impression I got from your testimony, but I want to be  
11 right about this.

12 MR. KELLY: Objection, your Honor.

13 MR. McKINNEY: Sorry. Fair point.

14 THE COURT: Okay. That question will be stricken.

15 MR. McKINNEY: I agree.

16 BY MR. McKINNEY:

17 Q. Were you intending to communicate to our jury last Thursday  
18 when you gave this testimony that Ms. Armstrong was threatening  
19 you when she told you that they buried a woman over here who  
20 had been raped?

21 A. It had to have been a threat.

22 Q. That's my question. That's the impression you got, that  
23 you were being threatened by Jamie Armstrong?

24 A. And KBR.

25 Q. And KBR?

10:13 1 A. Yes.

2 Q. All right. Well, that's pretty awful, wouldn't you say? I  
3 mean, about -- really when you think about it in context, about  
4 as bad as it can be. This woman is coming to take your  
10:14 5 statement after you say that you have been raped, and she  
6 begins the conversation by threatening you with a report of  
7 another woman who was raped and buried in Iraq. That's just  
8 about the worst there could possibly be, don't you think, under  
9 the circumstances?

10:14 10 A. Other than being drugged and raped.

11 Q. Well, for the circumstances then --

12 A. Oh, yes.

13 Q. -- wouldn't you say that that's just about as bad as it can  
14 possibly be?

10:14 15 A. Yes.

16 Q. As it happens, Ms. Jones, you were given the opportunity in  
17 your deposition to articulate the awful things that  
18 Ms. Armstrong said and did to you?

19 A. Yes.

10:14 20 Q. And I'm going to call your attention and display for the  
21 jury your testimony given at Page 72, Line 23 -- sorry,  
22 Page 172, Line 23 to Page 173, Line 7.

23 MR. KELLY: I don't think it's proper to display it  
24 until he's shown that it's inconsistent with what she's  
10:15 25 testified, your Honor.

1 MR. MCKINNEY: May I approach the witness?

2 THE COURT: You may approach.

3 BY MR. MCKINNEY:

4 Q. I'm showing you your deposition, Ms. Jones, at Page, as you  
5 can see, 172, right here; and the line is 23. Do you see that?

6 A. Uh-huh.

7 Q. You will need to say, for the court reporter, please, "yes"  
8 or "no."

9 A. Let me see.

10 Q. I'm just asking you: Do you see the Line 23?

11 A. Yes.

12 Q. All right. Now, depositions, you know the process. You  
13 were actually sitting in this chair when you gave your  
14 deposition?

15 A. I was.

16 Q. You were under oath, the same oath you took before our  
17 jury?

18 A. I was.

19 Q. And Judge Ellison was sitting in that chair presiding over  
20 your deposition?

21 A. Correct.

22 Q. And this was done only a month or two ago?

23 A. Right.

24 Q. You were asked the question at Line 23: Well, Jamie

25 Armstrong doesn't recall that you ever asked her if you could

10:16 1 leave, so -- and you interjected right here.

2 Your answer at Line 25: I don't trust anything  
3 that she would say.

4 A. Uh-huh.

10:16 5 Q. "She was treating me awful."

6 A. Yes.

7 Q. That's what you said?

8 A. (Nodding head.)

9 Q. Correct?

10:16 10 A. Yes.

11 Q. And then the next question was: How was she treating you  
12 awful?

13 A. Uh-huh.

14 Q. Do you see that?

10:16 15 A. Yes.

16 Q. And your answer was, at the time: She kept pounding me for  
17 a statement. She was really brash and brazen. She had no  
18 sympathy or empathy at all. She wouldn't bring me food. She  
19 wouldn't bring me my toiletries, anything to change into.

10:17 20 That was your answer at the time in this chair,  
21 Judge Ellison presiding, under oath, correct?

22 A. Correct.

23 Q. When asked essentially the same question before our jury --

24 MR. KELLY: Your Honor, that mischaracterizes. First  
10:17 25 of all, it's improper impeachment. Nothing she said is

1 inconsistent.

2 THE COURT: Let's ask the question and show her the  
3 previous answer.

4 BY MR. McKINNEY:

5 Q. When asked a substantively similar question by your  
6 attorney, "What did Ms. Armstrong do to you," unlike your  
7 deposition, the first words out of your mouth were, "She told  
8 me a woman had been raped and buried over here in Iraq."  
9 That's what you told our jury?

10 A. Because that's what she said.

11 Q. Back when you gave your deposition and you were asked  
12 specifically: Okay. How was she, Jamie Armstrong, treating  
13 you awful?

14 And you responded: She kept pounding me for a  
15 statement, brash, brazen, empathy, sympathy, food, toiletries,  
16 et cetera.

17 Ms. Jones, wouldn't that have been a really good  
18 time to raise this horrific threat that Ms. Armstrong -- that  
19 you say that Ms. Armstrong made to you at that time? Wouldn't  
20 that have been a good time to bring that up?

21 A. Can I explain it?

22 Q. Well, if you would, please, answer the question first, then  
23 I would be happy to hear your explanation. Wouldn't that have  
24 been --

25 A. It would have.

10:18 1 Q. All right. Thank you.

2 A. Absolutely.

3 Q. And now your explanation is?

4 A. Well, I was so traumatized, I couldn't remember exactly why

10:18 5 I was so traumatized by Jamie Armstrong. And Patti Chapman

6 from Ted Poe's office reminded me that that's what I told my

7 father --

8 Q. With all due respect --

9 A. -- and that's what they knew --

10:19 10 Q. Excuse me. With all due --

11 A. -- and then that recalled everything that Jamie Armstrong

12 said. And when you're in a trauma, you can't always remember.

13 Q. All right. Well, the hearsay is in; so, I'll deal with it.

14 When did you speak to Ms. Chapman?

10:19 15 A. I spoke with her this week.

16 Q. All right. And you had a conversation with Ms. Chapman

17 this week, which would be six and a half years after the fact?

18 I haven't done the math.

19 THE COURT: Six.

10:19 20 MR. McKINNEY: Six.

21 BY MR. McKINNEY:

22 Q. Six years after the fact, correct?

23 A. Yes.

24 Q. Because I was going to ask you about this. You have made

10:19 25 many, many statements in public. You've given testimony.

10:19 1 You've got a website where you've told your story. You've  
2 written many letters to Congressmen and Senators and doctors,  
3 et cetera, et cetera, describing all the horrible things that  
4 have happened to you.

10:19 5 And it's a true statement, is it not, Ms. Jones,  
6 that if we reviewed each and every one of your documented  
7 statements on this subject, up until your trial testimony  
8 Thursday, there would not be a single reference anywhere in any  
9 of those statements to the threat that you say Jamie Armstrong  
10:20 10 made to you regarding a woman who was raped and buried in Iraq?  
11 That simply appears nowhere in the record of your story until  
12 last Thursday. That's a true statement, is it not?

13 A. It is.

14 Q. And what you're telling us is that you had a conversation  
10:20 15 with a woman named Patti Chapman, who I believe you've known  
16 for some number of years, have you not?

17 A. We didn't have communication for several years.

18 MR. KELLY: And I would like to -- we've got to  
19 clarify the record. That statement was not made on Thursday,  
10:20 20 your Honor. I think that mischaracterizes what --

21 MR. McKINNEY: Her testimony.

22 MR. KELLY: -- her testimony. That testimony came out  
23 on Monday. That's an important distinction.

24 THE COURT: All right.

10:21 25 BY MR. McKINNEY:



1 Q. Well, if I have my days wrong, I certainly apologize.

2 A. I get mine wrong all the time.

3 Q. And I haven't fussed at you about that because I do the  
4 same thing.

5 In any event, what you are telling us is that  
6 despite having seen many, many psychiatrists and counselors and  
7 doctors to treat you for your condition, despite having  
8 testified many, many times and discussed many, many times your  
9 events in Iraq, it wasn't until a week ago in a conversation  
10 with a lady that you haven't spoken with in several years that  
11 you had this sudden recall memory of this horrific threat that  
12 you now say that Ms. Armstrong made?

13 A. Yeah. She recalled it. In the therapy that I go to, it's  
14 about repression. It's about desensitization. It's about  
15 forgetting it and moving on with my life. It's not about  
16 recalling and recalling.

17 But I -- I remember telling my father what Jamie  
18 Armstrong said. And that's when it got really urgent to get me  
19 out of that trailer. And he contacted Congressman Ted Poe's  
20 office to get me out of Baghdad and Patti Chapman was the  
21 person that answered the phone and she remembers it and now my  
22 mother remembers all about it, too. It was just something that  
23 in the trauma, I'd totally forgotten.

24 Q. So, your mother has also had a recovered memory in the last  
25 week?

10:22 1 A. She remembers it.

2 Q. All right. Another change in subject, if we carefully  
3 review -- we're going to talk now about the injuries that you  
4 say that you sustained to your breasts. All right?

10:22 5 A. No problem.

6 Q. If we look and go line by line through Dr. Schulz' record,  
7 we will not find any reference to you complaining about chest  
8 pain or injury to your breasts specifically, will we?

9 A. I told her I hurt all over, all over. And I just thought I  
10 was sore from the rape. And then when I got home and it wasn't  
11 going away, that's when I went to go see surgeons. And this  
12 did, in fact, happen over there.

13 Q. I understand your position on this, Ms. Jones. I'm very  
14 clear on it.

10:23 15 But again, to focus on the specific record that  
16 we're talking about, Dr. Schulz' record, if we were to go line  
17 by line through that record, there would be no reference  
18 whatsoever specifically to chest pain, chest trauma, deformed  
19 breasts, torn pectoral muscles, pain in the pectoral region,  
10:23 20 anything of that nature. Isn't that true?

21 A. That is true, but she's not a surgeon or a plastic surgeon  
22 or anything that could notice that.

23 Q. Understood. Understood. Your next doctor visit was to  
24 your OB-GYN, Terri Scott, on August the 5th, about a week after  
10:24 25 what you say happened in Iraq happened?

10:24

1 A. Yes.

2 Q. And, again, if we go line by line through Dr. Scott's  
3 record of her examination of you a week later, we will find no  
4 reference specifically to any kind of chest pain, damage to  
5 your breasts, pain in the pectoral region, or any type of upper  
6 body pain whatsoever. That's a true statement, is it not?

10:24

7 A. She didn't mark that, but I believe I told her. And I  
8 don't know if I specifically told her in that visit or not, but  
9 I think I did.

10:24

10 Q. All right. But with respect to the record, what people  
11 actually wrote down at the time, you would agree with me that a  
12 line-by-line review of Dr. Scott's record of your visit on  
13 August the 5th, one week after the allegations you're making  
14 here took place, there's not a single specific reference to any  
15 kind of upper body pain, disfigurement, or anything else of  
16 that nature. True statement?

10:25

17 A. True statement.

18 Q. Let me show you, please --

19 MR. McKINNEY: May I approach the witness?

10:25

20 THE COURT: You may.

21 BY MR. McKINNEY:

22 Q. -- Joint Exhibits 169 and 168. Do you recognize these as  
23 being notes prepared by Dr. Lahiri, your reconstructive  
24 surgeon?

10:25

25 A. Yes, I do.

10:26 1 MR. MCKINNEY: If not already admitted, your Honor, I  
2 move for the admission of Joint Exhibits 168 and 169. Is that  
3 even necessary if they're joint exhibits? I'm not sure.

4 THE COURT: If they're what exhibits?

10:26 5 MR. MCKINNEY: Is it necessary for me to move for the  
6 admission of joint exhibits?

7 THE COURT: No. No.

8 MR. MCKINNEY: Let's put up Joint Exhibit 169, please.

9 BY MR. MCKINNEY:

10:26 10 Q. As you can see in the upper left-hand corner, Ms. Jones,  
11 this is a note written by Dr. Lahiri to whom it may concern on  
12 August the 18th of 2005. Do you see that?

13 A. Yes.

14 Q. That note states: Jamie Jones was seen in my office on  
10:26 15 8-15-05. Due to the rape that occurred in Baghdad resulting in  
16 trauma to her chest cavity, it is my very strong opinion that  
17 Ms. Jones cannot return to work overseas or here in the United  
18 States at this time. She has to undergo a surgical procedure  
19 to repair this damage that will take months to heal. This will  
10:27 20 require weekly office visits to follow her progress. If you  
21 have any questions, please do not hesitate to contact my  
22 office.

23 It appears then from this record -- or from this  
24 letter that you saw Dr. Lahiri on August the 15th of 2005?

10:27 25 A. Correct.

10:27

1 Q. Was that your first visit with Dr. Lahiri?

2 A. I believe so.

3 Q. Are you quite sure, or do you think there might be an  
4 earlier one?

10:27

5 A. I'm pretty sure.

6 Q. All right. And this appears to be, in sum and -- in sum  
7 and substance, a letter addressed to a general audience saying  
8 that you can't go back to work overseas?

9 A. Or in the US, yes.

10:28

10 Q. Okay. And again, in case it becomes important, the  
11 operative date here is August the 18th, 2005. Do you see that?

12 A. Operative date.

13 Q. The date that this was written.

14 A. Oh, yes.

10:28

15 MR. McKINNEY: Let's go now to Exhibit 168, joint  
16 exhibit.

17 A. I thought's you meant surgical date. Sorry.

18 BY MR. McKINNEY:

19 Q. Yes. Now we have a letter from Dr. Lahiri to Ms. Falanga,  
20 the -- one of the State Department people?

10:28

21 A. Yes.

22 Q. And this is dated August the 23rd, five days after the note  
23 we just saw a moment ago?

24 A. Correct.

10:28

25 Q. It says: Jamie Jones was seen in our office on

1 August 15th, 2005. She presented with a deformed left breast  
2 and loss of her infra-mammary fold. She also complained of  
3 pain in her left chest wall. Her last visit on 12-20-05, her  
4 breast shape appeared symmetrical and a pleasing shape; and now  
5 she has severe asymmetry and deformity of her breast. This  
6 deformity did not occur in a normal postoperative fashion in a  
7 breast augmentation. Therefore, some significant trauma to the  
8 chest wall happened.

9 And again, this is a doctor report to  
10 Ms. Falanga, based on your office visit with Dr. Lahiri on  
11 August the 15th, correct?

12 A. Yes.

13 Q. August the 15th was 10 days after seeing Dr. Scott, and  
14 about two and a half weeks, close to three weeks, after your  
15 leaving Iraq?

16 A. I didn't arrive home till the 1st.

17 Q. All right.

18 A. August the 1st.

19 Q. Two and a half weeks, then, after your alleged rape.

20 A. Two weeks and a day.

21 Q. Okay. You're better at math than I am. Thank you.

22 A. Sorry. I was a math teacher. But I'm not good, really.

23 Q. Now, another item, this is Bortz 192, an item that we  
24 obtained by subpoena, comes from Dr. Lahiri's file. And I --

25 MR. McKINNEY: May I approach the witness?

1 THE COURT: You may.

2 BY MR. McKINNEY:

3 Q. Ms. Jones, have you seen Bortz 182 before?

4 A. Yeah, my attorney showed me that.

5 Q. All right.

6 MR. McKINNEY: Your Honor, I move for the admission of  
7 Bortz 192.

8 THE COURT: Any objection?

9 MS. VORPAHL: No objection here, your Honor.

10 MR. KELLY: I don't know how this witness can  
11 authenticate it, your Honor.

12 MR. McKINNEY: It's proved up by deposition on written  
13 questions. It's a business record.

14 THE COURT: I'm going to allow it.

15 MR. KELLY: I don't have a problem with it. I think  
16 Dr. Lahiri is the appropriate person to bring it in.

17 MR. McKINNEY: Can we put Bortz 192 up on the screen?  
18 Can we highlight all that, please?

19 BY MR. McKINNEY:

20 Q. Ms. Jones, does this appear to you -- let me -- first let  
21 me tell you, this was recovered from Dr. Lahiri's file. You  
22 understand that to be the case?

23 A. Yes.

24 Q. And do you see the date of August the 15th, 2005?

25 A. Yes.

1 Q. That's the date of your visit to Dr. Lahiri after returning  
2 from Iraq, correct?

3 A. Right.

4 Q. And here's what this document says: "Jamie Jones called -  
5 per her attorney, do not include details in your report. Only  
6 that she was raped in Baghdad and has breast trauma."

7 Apparently someone in Dr. Lahiri's office took a  
8 phone message from you that asks, per your attorney, do not  
9 include details in your report, only that you were raped in  
10 Baghdad and that you had breast trauma. Do you see that here  
11 on this document?

12 A. Yes. My attorney wasn't an attorney that I have today.

13 And he didn't want extra reports, like really long reports  
14 about what happened overseas. He wanted her to just keep it  
15 simple.

16 Q. All right. Well, why would you or your attorney feel like  
17 it was your place or -- was it a male or female attorney?

18 A. It was a male.

19 Q. Why would you or your attorney feel like it was your or his  
20 place to tell any witness or any doctor what to say or what not  
21 to say? Does that seem proper to you?

22 A. Well, it's not fair when you -- throughout this entire  
23 case, when you tell a doctor something, and if they misconstrue  
24 it and say four men or five men or a hundred men or whatever,  
25 then I'm held accountable for that. So, that attorney was just



10:34 1 trying to protect me and keep it at the fact: Raped in  
2 Baghdad, had breast trauma.

3 Q. All right. Ms. Jones, the next topic -- and believe it or  
4 not, I'm actually getting close to being through. It may not  
10:34 5 seem like it.

6 This next topic is, again, another change in  
7 subject.

8 A. No problem.

9 MR. McKINNEY: And if I may approach the witness.

10:34 10 THE COURT: You may.

11 BY MR. McKINNEY:

12 Q. I'm showing you Bortz Exhibits 183, 186, and 188. Do you  
13 recognize --

14 A. Can I see them?

10:34 15 Q. Yes. Do you recognize these as medical records pertaining  
16 to you that have been produced in this lawsuit?

17 A. Why does it say "redacted"?

18 MR. KELLY: Can we have those numbers again?

19 MR. McKINNEY: 183, 186, and 188. And all redacted.

10:35 20 THE WITNESS: Yes, that's right.

21 MR. McKINNEY: May it please the Court. I move for  
22 the admission of Bortz 183, Bortz 186, and Bortz 189.

23 THE COURT: Any objection to these exhibits?

24 MR. KELLY: No, your Honor.

10:35 25 THE COURT: Admitted without objection.

1 BY MR. McKINNEY:

2 Q. Ms. Jones, I'm troubling you with these three exhibits, and  
3 we're not going to show them to the jury unless it becomes  
4 necessary.

5 A. Okay.

6 Q. But -- and --

7 MR. McKINNEY: Judge, this might go a little bit  
8 quicker if I stood next to the witness.

9 THE WITNESS: That's no problem.

10 THE COURT: All right. All right.

11 BY MR. McKINNEY:

12 Q. Ms. Jones, Bortz 183 tells us that on May the 25th of 2005,  
13 about two months before you went to Iraq, you had laser surgery  
14 on a condyloma in your private area down below, correct?

15 A. I did.

16 Q. And Exhibit Bortz 186 shows us that sometime just before  
17 June the 13th of 2005, you had what they call a cryogenic  
18 removal of some genital warts, also in the same private region  
19 down below?

20 A. Yes.

21 Q. And this is, again, in the two-month period or so prior to  
22 you going to Iraq?

23 A. Yes.

24 Q. And finally, Bortz Exhibit 188 -- and this is in case it's  
25 important to the doctors who testify later -- shows that on

1 July the 20th of 2005, you were diagnosed by Dr. Scott with a  
2 yeast infection. Do you see that?

3 A. Yes.

4 Q. And again, in case it becomes important with some of our  
5 medical doctors who testify later in this case, one of the  
6 things that happened to you en route to Iraq is that your  
7 baggage was lost and you did not have your medications,  
8 correct?

9 A. I had a UTI. Now, with -- this is kind of gross. But with  
10 a yeast infection, you take like one Diflucan and then it's  
11 gone.

12 Q. Okay.

13 A. I know you're a guy so you probably don't know all of that.

14 Q. There's a lot of things I'm learning --

15 A. Sorry. Sorry, guys.

16 Q. -- in this case that I didn't know before.

17 Your attorney mentioned some photographs that you  
18 had taken of you and posted on MySpace?

19 A. Yes.

20 Q. Let me show you Bortz Exhibits --

21 MR. McKINNEY: May I approach, your Honor?

22 THE COURT: Yes, you may.

23 BY MR. McKINNEY:

24 Q. -- Bortz Exhibits 105, 106, 107 and 108. Are these the  
25 MySpace photos that you posted?

10:38 1 A. Yes.

2 Q. And you did this, as you explained to Mr. Kelly, to make  
3 your husband jealous?

4 A. He wasn't my husband.

10:38 5 Q. Or your boyfriend at the time?

6 A. I think he may have been my fiancé.

7 Q. Your fiancé?

8 A. I think so.

9 Q. You posted these pictures publicly on your MySpace page to  
10:38 10 make your fiancé jealous?

11 A. Yes. And that was really not a good thing to do, but --

12 Q. Understood. Understood. And I'm not going to put them up  
13 on the screen at this time. They will go back into the jury  
14 room for the jury to consider and give whatever weight they  
10:39 15 want to. But it was mentioned in your direct, so I wanted to  
16 make sure that it was in evidence. So we'll move on now.

17 Okay?

18 A. Thank you.

19 Q. Yes. All right. We're getting toward the end here.

10:39 20 And you were shown, you recall, the various news  
21 broadcasts during which you were interviewed and whatnot?

22 A. Yes.

23 Q. And in --

24 A. Parts of them.

10:39 25 Q. Pardon me?

10:39

1 A. They were just little parts of them.

2 Q. Right.

3 A. Not the whole thing, yeah.

4 Q. Right.

10:40

5 A. Yes.

6 Q. Parts where they were talking about you?

7 A. Right.

8 Q. And in most of those broadcasts -- and I'm trying to

9 summarize here, in the interest of moving along rapidly. Most

10:40

10 of those broadcasts alluded or directly stated that you had

11 been raped by multiple assailants or gang raped. Do you recall  
12 that?

13 A. Yes.

14 Q. And it was your sworn testimony before this Court that you

10:40

15 never told any of the newscasters that you had been gang raped  
16 or raped by multiple assailants. Is that not so?

17 A. I've always said that a different guy handed me the drink  
18 than the guy that I found in my room. So if they take that as  
19 gang rape, then that's what they do.

10:40

20 Q. All right. But what you're telling our Court and our jury  
21 is that you've never told anyone that you were gang raped,  
22 correct?

23 A. I don't think I used that verbiage.

24 Q. Let me please move -- or let me show you --

10:41

25 THE COURT: Whether or not you've used those words,

1 have you conveyed that idea, that there was more than one  
2 assailant?

3 THE WITNESS: I've always said that a different guy  
4 handed me the drink than the guy that I found in my room. And  
5 there was several guys around that night, so I wasn't sure. I  
6 have no memory.

7 MR. McKINNEY: Let's put up, please, Joint  
8 Exhibit 164. Number 164.

9 And I'm also going to be offering Bortz 54 and  
10 Bortz 200, if you want to look those up.

11 Please highlight the first line of this letter,  
12 please. Actually, the first -- the "Dear Senator Grassley,"  
13 and then the first line.

14 BY MR. McKINNEY:

15 Q. Now, Ms. Jones, this is a letter that you sent to Senator  
16 Charles Grassley, a senator from, I believe, Iowa or Idaho or  
17 some state starting with an I. Is that correct?

18 A. I met a woman named Beth Brichek, and she wrote all these  
19 letters.

20 Q. All right, Ms. Jones. And we'll talk about that.

21 But you signed this letter, did you not?

22 A. I signed all the letters, yes, I did.

23 Q. The letter begins by saying: I was gang raped by several  
24 male Halliburton employees during professional duty in Iraq in  
25 July 2005. Correct?

10:42 1 A. That's what it says, yes.

2 Q. And your position here today is that someone else wrote  
3 that; you simply signed it?

4 A. I mean, that's what happened.

10:42 5 Q. All right. That's fine.

6 A. But as I sit here today, do I think it was more than one?  
7 Absolutely.

8 Q. All right. Well, let's -- let's look at --

9 MR. McKINNEY: May I approach the witness?

10:42 10 THE COURT: You may.

11 BY MR. McKINNEY:

12 Q. Do you recognize Bortz Exhibit 54 as an affidavit that you  
13 signed in connection with the facts of this case?

14 A. I don't --

10:43 15 Q. Is that your signature?

16 A. That is my signature.

17 Q. And do you recognize Exhibit B-2000 [sic] as a record from  
18 the Village Medical Center pertaining to Jamie Leigh Jones?

19 A. Yes.

10:43 20 MR. McKINNEY: I move for the admission of Bortz 54  
21 and Bortz 200.

22 MR. KELLY: No objection, your Honor.

23 MS. VORPAHL: No objection.

24 THE COURT: Admitted without objection.

10:43 25 BY MR. McKINNEY:

1 Q. Let's look at the entirety of Bortz Exhibit 54, please. At  
2 the top of the page we will see that it's an affidavit of Jamie  
3 Leigh Jones. Do you see that?

4 A. Yes.

5 MR. McKINNEY: And drop down to the bottom of the page  
6 where it says "Sworn to and subscribed." Catch the signature  
7 line, too, please.

8 BY MR. McKINNEY:

9 Q. That's your signature, is it not?

10 A. It is.

11 Q. And do you see the recital there that states: "Sworn to  
12 and subscribed before me on the 16th day of October, 2007"?

13 A. Yes.

14 Q. And then it states: "Notary public in and for the State of  
15 Texas." And actually Texas is stricken out and California is  
16 written in?

17 A. Yes.

18 Q. Ms. Jones, have you become aware, in the course of your  
19 involvement with these legal proceedings, that there is a  
20 fundamental difference between acknowledging your signature  
21 before a notary and swearing before a notary to the truth of  
22 facts?

23 A. (No response).

24 Q. Have you become aware of that?

25 A. (No response).



10:45 1 Q. Apparently not.

2 A. I've never had to swear in front of a notary.

3 Q. All right. Fair enough. Just asking.

4 But as you can see here, this is a notarial

10:45 5 certification. That you were placed under oath, that you read  
6 the document, and that you specifically told the notary that  
7 the document was true and correct. Do you see that  
8 certification?

9 A. I do, yeah.

10:45 10 Q. And were you, in fact, sworn by the notary; and did you, in  
11 fact, sign this statement stating -- or did you not state that  
12 these facts were true and correct under oath?

13 A. Well, when you have an attorney in your -- you have to sign  
14 something, they can go and notarize it later with notaries in  
10:45 15 their office. So I did not have to swear or anything.

16 Q. All right. So, even though it says you were sworn, you  
17 didn't swear?

18 A. If you have a notary in your office and you're an attorney,  
19 and then you have like power of attorney, I think, then they  
10:46 20 can do that.

21 Q. Okay. Well, let's look at what was actually said in the  
22 affidavit that you signed. Because this is your signature,  
23 correct?

24 A. It is.

10:46 25 Q. No one signed it for you?

10:46 1 A. No.

2 Q. And you had a chance to read this document before you  
3 signed it?

4 A. Yes. And I don't know if I did or not.

10:46 5 Q. Well, you certainly should have read it before you signed  
6 it.

7 A. I certainly should have, I agree.

8 Q. Let's look at the second -- let's look at the first three  
9 paragraphs. The first paragraph says that: "On this day,

10:46 10 Jamie Leigh Jones appeared before me, the undersigned notary  
11 public. And after I administered the oath to him or her, upon  
12 his/her oath, he/she said"?

13 A. That's a standard. That whole document is a standard that  
14 all of you attorneys use.

10:47 15 Q. Well, just be careful when you put all of us in there.

16 A. Oh.

17 Q. Let's look at the next line.

18 A. All the ones that I've used.

19 Q. "My name is Jamie Leigh Jones" -- this is in quotes.

10:47 20 A. Uh-huh.

21 Q. "My name is Jamie Leigh Jones. I'm over the age of 18 and  
22 capable of making this affidavit. The facts stated in this  
23 affidavit are within my personal knowledge and are true and  
24 correct."

10:47 25 Now, as you sit here today, do you remember

10:47 1 reading this, reading these specific words before you put your  
2 signature on this piece of paper?

3 A. I've signed so many affidavits directed to different  
4 attorneys.

10:47 5 Q. All right. Just asking --

6 THE COURT: You do understand the consequence, though,  
7 of signing a statement pursuant to an oath --

8 THE WITNESS: Right.

9 THE COURT: -- given by a notary. You understand it's  
10:47 10 different from simply signing your name to a piece of  
11 correspondence.

12 THE WITNESS: I do now, yes.

13 THE COURT: You do now?

14 THE WITNESS: Yes.

10:48 15 THE COURT: But not before? Not at the time you  
16 signed this?

17 THE WITNESS: I don't know. I had a different legal  
18 team.

19 BY MR. McKINNEY:

10:48 20 Q. All right. Well, let's see what your different legal team  
21 understood your injuries to be and what you signed stating your  
22 injuries were. We'll look at the next paragraph.

23 "I was employed by Halliburton/KBR. I was in  
24 Iraq from July 24, 2005, until my brutal gang rape and beating  
10:48 25 four days later, on July 28, 2005. When I awoke the next

10:48 1 morning, I was bleeding from my vagina and anus, my pectoral  
2 muscles had been torn, my breast implants were displaced. One  
3 of my attackers, a Halliburton firefighter, was still lying  
4 naked in the lower bunk of my quarters."

10:48 5 You signed that statement specifically stating  
6 under oath that you had been brutally gang raped; did you not?

7 A. Yes.

8 Q. And if we go to Bortz Exhibit 200 and if we look at the  
9 entirety of this record, this is from the Village Medical  
10 Center. It's dated 10-26-2005, about two months after your  
11 return from Iraq? Works that be right?

12 A. Yes.

13 Q. "Reason for visit: 20-year-old female here for complete  
14 physical. Specific problems outlined below." And the first  
15 thing the doctor wrote: "Was gang raped by several men on  
16 7-6-05." Obviously, the date is wrong?

17 A. I think a lot is wrong in this record.

18 Q. Sure. We're going to --

19 A. I said an Army contractor, and he put I was in the Army,  
20 and then --

21 Q. We'll go through all of that.

22 A. The date is wrong. There's just a lot of stuff wrong.

23 Q. We'll go through that.

24 The first words that we see here, though: "Was  
25 gang raped by several men." We see those words there?

10:50 1 A. Yes, you do.

2 Q. Now, let's go --

3 MR. McKINNEY: I move for the exhibit [sic] of Bortz  
4 99. May I approach the witness and show it to her?

10:50 5 THE COURT: Yes, sir.

6 MR. KELLY: Can I see what it is?

7 Subject to redaction for collateral source, I  
8 don't have any objection, your Honor.

9 THE COURT: Except for what, now?

10:51 10 MR. KELLY: Redactions for collateral source.

11 MR. McKINNEY: Which I'm fine with.

12 THE COURT: So it already has been redacted?

13 MR. McKINNEY: No. It needs to be cleaned up before  
14 it goes back to the jury, your Honor.

10:51 15 THE COURT: Very well. Very well. Otherwise, the  
16 exhibit is admitted.

17 MR. McKINNEY: If you would put up the second page,  
18 please, of -- or not that -- there we go.

19 BY MR. McKINNEY:

10:51 20 Q. Ms. Jones, you've come to find out that in lawsuits there  
21 are written questions called interrogatories.

22 A. Yes. And those are sworn.

23 Q. Pardon me?

24 A. Those are sworn. I understand that.

10:51 25 Q. Yes. And the difference between an interrogatory and

10:51 1 questions I am asking you here in court is the interrogatory --  
2 silly word, I know, for a question -- but the interrogatory is  
3 actually written down, correct?

4 A. The question?

10:51 5 Q. Yes.

6 A. Yes, it is.

7 Q. And it's sent to your lawyer?

8 A. Right. From the opposing counsel?

9 Q. Yes, from the other side.

10:52 10 A. Okay.

11 Q. And you and your lawyer, unlike sitting here answering  
12 questions in the courtroom, you have 30 days to think of your  
13 answer. At least 30 days, sometimes more.

14 A. Correct.

10:52 15 Q. So, you have plenty of time to think about what you want to  
16 say and how you want to say it?

17 A. Plenty of time.

18 Q. And if we look here at interrogatory Number 3, which is in  
19 the middle of the page.

10:52 20 MR. McKINNEY: We'll have to go to the next page,  
21 please, to get to interrogatory Number 3. It's -- let's just  
22 show the question right now.

23 BY MR. McKINNEY:

24 Q. The question was: "Please state specifically the nature of  
10:52 25 the injuries you received in the accident made the basis of

1 this suit. Have you recovered? If not, what are your  
2 complaints?" All right?

3 Now, that question was sent to you and your  
4 lawyers, and you had the 30-day period to consider your answer  
5 and evaluate --

6 A. And I remember answering it, yes.

7 Q. All right.

8 MR. MCKINNEY: And let's see the answer.

9 Let's highlight the answer, please.

10 Highlight it, please.

11 Thank you. If we could enlarge that, please.

12 BY MR. MCKINNEY:

13 Q. Lawyers being what they are, the answer begins with an  
14 objection, states: "Objection, vague and ambiguous concerning  
15 the term 'accident'; the question as phrased misstates the  
16 facts." Next line: "Claimant was the victim of a vicious  
17 sexual assault by multiple assailants."

18 How is that any different, Ms. Jones, than a gang  
19 rape?

20 A. As I sit here today, I believe it was more than one, but  
21 the only one that I'm certain of is Charles Bortz.

22 Q. All right. But that brings me back now to your testimony  
23 before our jury, where I believe you said that if the media got  
24 the idea that you were gang raped, it came from some source  
25 other than you.

10:54

1 A. I think 20/20 started that verbiage, and maybe I did pick  
2 it up. But I didn't think that I did, because I haven't said  
3 that word in years.

10:55

4 Q. All right. Now, my last questions have to do with several  
5 allegations that you have made concerning Charles Bortz  
6 separate and apart from your claim that he raped you.

7 A. Okay.

10:55

8 Q. You have also said at various times and under various  
9 circumstances that Charles Bortz gave you the two sexually  
10 transmitted diseases that you had. Isn't that so?

11 A. I said HPV.

12 Q. We'll look at that. For example, right here --

13 MR. McKINNEY: If you could underscore this part right  
14 here: "Claimant was."

10:56

15 BY MR. McKINNEY:

16 Q. What you said in your sworn answers to interrogatories that  
17 you yourself answered is that you were diagnosed with human  
18 papillomavirus after the attack?

19 A. May I explain that?

10:56

20 Q. I'm going to ask you some questions about that. First,  
21 that is what you said, correct?

22 A. And it's true. I had a second strand [sic]. I had -- the  
23 first strand [sic] was, I think, Strand 11 [sic]. It's the one  
24 that's associated with condyloma, which is the actual warts.

10:56

25 I came home and I got a second strand [sic],



1 which is related to cervical cancer. I had to go to MD  
2 Anderson Cancer Center. And because I -- it turned into ASCUS,  
3 which is precancerous cells.

4 I did get a second form of HPV from Charles  
5 Bortz, and it's in my records. It's in the Sadler Clinic.

6 Q. We'll ask your doctor about that.

7 A. Please do.

8 Q. Because when you went --

9 MR. McKINNEY: And I move for the -- may I approach  
10 the witness?

11 THE COURT: You may.

12 BY MR. McKINNEY:

13 Q. You mentioned just a moment ago that you went to M. D.  
14 Anderson, correct?

15 A. Yes.

16 Q. And is this a record of Jamie Daigle, dated, looks like,  
17 February 9th of 2007?

18 A. Yes.

19 MR. McKINNEY: Move for the admission of KBR 96.

20 MR. KELLY: I haven't located it, your Honor. I need  
21 to --

22 THE COURT: Maybe Mr. McKinney could just show you --

23 MR. McKINNEY: Yeah. Why don't you -- feel free.

24 THE COURT: It's admitted?

25 MR. KELLY: Yes, your Honor, subject to the potential

1 redactions. I didn't see any that need to be done, but --

2 THE COURT: All right. With that notation, it's  
3 admitted.

4 BY MR. McKINNEY:

5 Q. Now, you just told us, Ms. Jones -- sorry for the delay --

6 A. Okay.

7 Q. -- that when you went to M. D. Anderson, it was for  
8 treatment of genital warts that you acquired --

9 A. ASCUS.

10 Q. Pardon me?

11 A. ASCUS, A-S-C-U-S.

12 Q. -- arising from genital warts that you acquired post-Iraq?

13 A. Right.

14 Q. Let's look at the history that the folks at M. D. Anderson  
15 took from you.

16 MR. McKINNEY: And that will be on the last page of  
17 KBR Exhibit 96.

18 Well, come up a page. That's not it.

19 Yes. "Gynecologic history," if you would  
20 highlight -- that just be -- down to right there, please.

21 MR. KELLY: There's some 412 information in the  
22 section you're highlighting that needs to be redacted.

23 MR. McKINNEY: Well, take it down, then.

24 Sorry. I completely missed something that needs  
25 to be redacted, Judge, and so I would like to approach the

1 witness to review the relevant part of this exhibit.

2 MR. KELLY: Actually, your Honor, can we approach the  
3 bench?

4 *(At sidebar with all counsel)*

5 MR. KELLY: Your Honor, it's very awkward to have to  
6 do this in front of the jury; but as Ms. Morris has just  
7 informed me, any number of the 412 things have not been  
8 redacted. That's what just happened here. And for us to have  
9 to interrupt the flow of testimony to do that is very  
10 bothersome and very prejudicial to us, we believe.

11 MR. McKINNEY: I tendered the exhibit for review. And  
12 I completely missed it, too. I was not focused on that part of  
13 the exhibit. And I'm happy to take it down.

14 THE COURT: Okay. Well, can we assure ourselves that  
15 it won't happen again?

16 MR. McKINNEY: I can't say that I won't make a mistake  
17 in the future, but I will bend over backwards not to. It  
18 should have been redacted, and it's my fault. I'll accept  
19 responsibility.

20 THE COURT: Do we need an instruction?

21 MR. KELLY: I would like an instruction.

22 And I'm not saying that Mr. McKinney has done  
23 anything intentionally.

24 THE COURT: I know.

25 MR. KELLY: That's not my accusation. It's just that

1 we need either to get the exhibits a little more ahead of time  
2 so we can review them at counsel table or something so it's not  
3 happening.

4 THE COURT: That's fair enough.

5 MR. McKINNEY: I'm fine with that. That's my last  
6 exhibit, anyway.

7 MR. KELLY: Well, with this witness.

8 MR. McKINNEY: Yes, with this witness.

9 *(In open court)*

10 MR. McKINNEY: Before we put it up, I think we can  
11 redact back here at the screen, your Honor, in just about a  
12 minute for an adjustment.

13 THE COURT: Okay.

14 MR. McKINNEY: The redacted version is now up on the  
15 screen.

16 THE COURT: All right.

17 MR. McKINNEY: And if you would highlight the portion  
18 beginning with the words "sexually assaulted."

19 And the next two lines, please.

20 BY MR. McKINNEY:

21 Q. Ms. Jones, as we see here, a history was taken from you  
22 that you were sexually assaulted in July of 2005. It's noted  
23 that you were sexually active, but that was with your husband,  
24 correct?

25 A. Yes.

11:05 1 Q. And then here's the history they took regarding sexually  
2 transmitted diseases and what you said back in 2005:

3 "She developed herpes following the sexual  
4 assault. She does have a history of genital warts."

11:05 5 Now, what you're telling us --

6 A. I think they flipped it. I had a history of herpes, but I  
7 developed another form of HPV after the assault. So, just  
8 looks to me like they flipped it.

9 Q. So, it's another mistake by the doctors?

11:06 10 A. I can't help all these mistakes.

11 Q. Understood.

12 Ms. Jones, I'm likely going to have some more  
13 questions for you on another subject that hasn't come up yet.

14 MR. MCKINNEY: But until that time, please the Court,  
11:06 15 I have no further questions.

16 THE COURT: Thank you very much.

17 Ms. Vorpahl?

18 MS. VORPAHL: Your Honor, could we just take a very  
19 brief recess so I could get set up?

11:06 20 THE COURT: All right. We'll take a 10-minute break.

21 *(Jury not present)*

22 MR. KELLY: Your Honor, can I make brief -- brief  
23 thing?

24 THE COURT: Yes.

11:06 25 MR. KELLY: The whole idea behind the Court allowing

11:07 1 me to redirect Ms. Jones on this issue, the whole idea was so  
2 that I wouldn't be prejudiced. Mr. McKinney just told the  
3 jury, "Hey, by the way, I'm going to do this."

4 The whole idea there was to take out -- was to  
11:07 5 put the prejudice back in. I reurge the Court to not allow  
6 this testimony, based upon what he just did in front of this  
7 jury, totally, totally undermining the whole idea behind  
8 allowing me to direct first.

9 MR. MCKINNEY: I made no allusion to anything  
11:07 10 whatsoever other than I would be coming back to ask more  
11 questions that the jury is probably wondering why I haven't  
12 asked.

13 MR. KELLY: "On an issue that hasn't come up yet," was  
14 the quote.

11:07 15 MR. MCKINNEY: That's hardly inflammatory. It's  
16 totally neutral.

17 MR. KELLY: It didn't need to be said. "Your Honor, I  
18 pass the witness," would have been sufficient.

19 MR. MCKINNEY: That can't possibly be prejudicial to  
11:07 20 anybody.

21 THE COURT: What was your purpose in offering that  
22 exhibit on the screen?

23 MR. MCKINNEY: We're not talking about that exhibit,  
24 Judge. The --

11:07 25 THE COURT: Let's just put back up the last exhibit

11:08 1 that was on the screen, please.

2 MR. MCKINNEY: That was offered to --

3 MR. KELLY: It's the comment that I'm referring to,  
4 your Honor, more than -- it's not an exhibit that I'm --

11:08 5 MS. VORPAHL: Mr. Kelly's point is that Mr. McKinney  
6 saying, "I pass the witness, but I will have more questions for  
7 you later," was inflammatory.

8 MR. KELLY: No, it's, "We'll have more" --

9 THE COURT: No. That's not inflammatory. But this --  
11:08 10 this on the screen, are you saying that he should not have  
11 broached that before he allowed you redirect?

12 MR. KELLY: Not at all, your Honor. What I am saying  
13 is, when he says he will pass the witness, it wasn't as  
14 Ms. Vorpahl characterizes. He said: Well, I will be having a  
11:08 15 discussion with you on an issue which hasn't come up yet.

16 When the Court ruled on the 412 objection that we  
17 had to the documents about the May of '05 incident, the Court  
18 came out here and ruled against us on that issue but then said:  
19 So as not to unduly prejudice the plaintiff, we'll allow you to  
11:09 20 do direct on that first, if you recall.

21 What he's just done by saying, "We'll talk to you  
22 about an issue that hasn't come up yet," is he's told the  
23 jury -- he's taken away, or put back, however you want to look  
24 at it, the prejudicial impact of that.

11:09 25 MR. MCKINNEY: That --

11:09 1 MR. KELLY: The whole --

2 MR. McKINNEY: I'm sorry.

3 MR. KELLY: The whole idea behind allowing me to

4 direct on it first was so that it didn't come from the

11:09 5 defendant. And he's just told the jury, "This is coming from  
6 me."

7 MR. McKINNEY: The jury has no idea what I was

8 referring to. It was a very innocuous statement explaining to

9 the witness and to the jury --

11:09 10 THE COURT: You may step down, by the way.

11 MR. McKINNEY: -- that I'm not finished asking

12 questions. But that's --

13 THE COURT: Yeah, Mr. Kelly, you'll have lots of

14 questions on redirect. I'm sure you will. I don't think that

11:09 15 was a signal to the jury that there's going to be something

16 else specifically related to the 412 kind of information. If

17 you want me to provide a corrective instruction, I'll be happy  
18 to try.

19 MR. KELLY: No, I don't want to draw any more

11:09 20 attention to it, your Honor. That's the point. I really think

21 that, "Your Honor, I pass the witness," would have been

22 sufficient, as opposed to what he said.

23 THE COURT: Well --

24 MR. KELLY: I think it was -- it was superfluous.

11:10 25 There was only one possible reason for doing it, Judge.



1 THE COURT: No. I think, having watched a lot of  
2 these, jurors very often think they're done, they've heard from  
3 everybody, and the case is over or very close to over. And  
4 when lawyers then stand up for a second time, they feel their  
5 interests, their goodwill has been trespassed upon. And I  
6 think that's what Mr. McKinney was doing.

7 MR. MCKINNEY: That's exactly what I was doing, Judge.  
8 They think I'm done, and they don't want to hear from me again  
9 probably, at least not in very much detail. And I was simply  
10 letting them know that there would be another topic that I  
11 would be taking up.

12 THE COURT: Yeah. I really don't think it's -- in a  
13 trial this long, with this much evidence, I really don't think  
14 the prejudicial value was great, if any. So, I'm going to  
15 allow it.

16 *(Recess was taken from 11:10 a.m. to 11:27 a.m.)*

17 *(Jury present)*

18 THE COURT: Members of the jury, please be seated.

19 You may begin your inquiry.

20 MS. VORPAHL: Thank you, your Honor.

21 May it please the Court.

22 **CROSS-EXAMINATION**

23 BY MS. VORPAHL:

24 Q. Hello, Ms. Jones.

25 A. Hello.

11:27 1 Q. Like Mr. McKinney, I've met you only at your deposition and  
2 here in this trial. Isn't that right?

3 A. Yes.

4 Q. All right. You've told the jury that you believe that KBR  
11:27 5 misled you. Is that right?

6 A. Yes.

7 Q. Do you think you did anything at all to mislead KBR?

8 A. Well, I didn't fill out the medical questionnaire as well  
9 as I should have.

11:27 10 Q. Anything else?

11 A. Not that I recall right now.

12 Q. Okay. I want to go through a little bit of background  
13 information. And since I'm the second person to cross-examine  
14 you, I'm going to try my best not to jump around and certainly  
11:28 15 not to confuse you; but I'm also going to try not to cover  
16 ground that Mr. McKinney has already covered, though I'm sure  
17 that I will probably not do a wonderful job of that. If at any  
18 time you don't understand that I've moved to a different area  
19 of questioning or whatever, will you let me know that?

11:28 20 A. Yes. No problem.

21 Q. Okay. And I'm going to do my best to let you know what --  
22 when I move from one area to another. Okay?

23 A. Okay.

24 Q. First of all, I just want to ask you a little bit of  
11:28 25 information about your personal background.

11:28 1 You were born on December 13th of 1984. Is that  
2 right?

3 A. Yes, ma'am.

4 Q. Now, you graduated from high school when you were 18 years  
11:28 5 old?

6 A. Yes.

7 Q. But you've told a lot of people that you were 16 when you  
8 graduated from high school. Isn't that right?

9 A. Yes. I graduated early and that was a mathematical error.

11:29 10 Q. So, you just always thought you graduated when you were 16  
11 and it wasn't until this lawsuit that you realized that you  
12 were really 18 when you graduated from high school. Is that  
13 right?

14 A. It's silly, but yeah.

11:29 15 Q. Okay. In fact, you even told your expert who did an  
16 assessment on you on October the 8th of 2010 -- this is your  
17 own expert -- you told her that you were able to graduate at  
18 the age of 16. Isn't that right?

19 A. That's right.

11:29 20 Q. So, you were still confused in October of 2010?

21 A. Yes.

22 Q. Okay. And you told KBR's expert, Stuart Meisner, likewise,  
23 that you graduated when you were 16 years old?

24 A. Yep.

11:29 25 Q. And it was so that you could help to support your

11:29

1 impoverished mother. Is that right?

2 A. That's why I graduated early, yeah.

3 Q. And you told Dr. Meisner it was so that you could support  
4 your impoverished mother?

11:30

5 A. That wasn't the only reason.

6 Q. Okay. Well, that's the reason you gave Dr. Meisner. Do  
7 you remember that?

8 A. Vaguely, yes.

9 Q. Okay. And likewise, you told your own treating physician,  
10 Dr. Paskowitz, that you graduated from high school when you  
11 were 16. Is that right?

11:30

12 A. Yes.

13 Q. And you told lots of other people as well?

14 A. Yes.

11:30

15 Q. Okay. Now, your parents divorced in 2000. Is that  
16 correct?

17 A. Yes.

18 Q. All right. And you lived back and forth with each of them.  
19 Is that correct?

11:30

20 A. Yes.

21 Q. And you did that sort of as you chose. You would live with  
22 one for as long as you chose, and then you would live with the  
23 other as long as you chose?

24 A. Yes.

11:30

25 Q. All right. They didn't have a schedule or require you to

1 live with one or the other?

2 A. Only if my dad was on a business trip or something like  
3 that, then I would have to stay with my mom; or if my mom had  
4 something going on, then I would have to stay with my dad. But  
5 other than that --

6 Q. It was your choice?

7 A. Pretty much.

8 Q. All right. You reported yourself to Child Protective  
9 Services in 2002. Is that right?

10 A. Yes.

11 Q. All right. And that was because your mother had an abusive  
12 boyfriend?

13 A. Yes.

14 Q. But he never abused you?

15 A. Correct.

16 Q. In 2002 -- excuse me.

17 In 2000, you also began taking antianxiety  
18 medications. Is that correct?

19 A. In -- between 2000 and 2001, I believe I only took --  
20 what -- two prescriptions? And it was -- I don't remember.

21 Q. Okay.

22 A. I don't --

23 Q. I didn't mean to interrupt you.

24 A. I'm sorry. I don't -- I think it was just a couple between  
25 2000, 2001.

1 Q. Okay. And you had your prescriptions filled at Walgreen's,  
2 at CVS, and at other drugstores. Isn't that right?

3 A. Yes, ma'am.

4 Q. All right. I have just the Walgreen's records.

5 MS. VORPAHL: May I approach, your Honor?

6 THE COURT: You may.

7 MS. VORPAHL: This is an exhibit that has been agreed  
8 to, and it is Bortz Exhibit 247 and Bortz -- and the backup.  
9 What we've got is a summary of a voluminous record. So, if I  
10 may approach the witness with the document?

11 THE COURT: Yes, you may.

12 THE WITNESS: Thank you.

13 BY MS. VORPAHL:

14 Q. If you'll take a look at what's been marked Bortz  
15 Exhibit 247 --

16 MS. VORPAHL: Which I will, in an abundance of  
17 caution, move for entry of, your Honor.

18 MR. KELLY: No objection, your Honor.

19 THE COURT: Okay. That's fine. This will be a  
20 statement for the Court of Appeals. All joint exhibits are  
21 admitted henceforth, if not previously. No further motions for  
22 admission will be necessary.

23 MS. VORPAHL: The problem was this was a Bortz  
24 exhibit.

25 THE COURT: I'm not criticizing.

1 MS. VORPAHL: Okay. I just wanted to make it clear.

2 BY MS. VORPAHL:

3 Q. All right. So, the summary that you have before you is a  
4 summary of the records that are a part of that exhibit as well.

5 Do you understand that?

6 A. Yes.

7 Q. Okay. And these are just the records from Walgreen's, one  
8 of the drugstores with whom you did business. Okay?

9 A. Uh-huh, yes.

10 Q. All right. Starting, I think, in September of 2000, you  
11 were prescribed Ativan for anxiety. Do you recall that?

12 A. I think that -- wasn't that related to an orthopedic? It  
13 was a muscle relaxer. But I'm not positive, but I thought  
14 that's what that was for.

15 Q. So, you think Ativan is a muscle relaxer?

16 A. It can be used as that as well.

17 Q. So, you believe you took that as a muscle relaxer?

18 A. I thought so.

19 Q. Okay.

20 A. I'm not a hundred percent on that but --

21 Q. Right. And what did you need a muscle relaxer for in  
22 September of 2000?

23 A. Some orthopedic reason. I don't remember.

24 Q. Okay. In November, and specifically November the 7th --

25 MS. VORPAHL: In fact, if we could put this exhibit,

1 247, up on -- Bortz Exhibit 247 up on the --

2 THE COURT: Okay.

3 MS. VORPAHL: All right.

4 BY MS. VORPAHL:

5 Q. Then we have -- November the 7th of 2001, you're prescribed  
6 Xanax. Is that right?

7 A. That's what it says.

8 Q. All right. And again, in 2002, in October of 2002, you're  
9 prescribed Zoloft for depression. Is that right?

10 A. Yes.

11 Q. And the Xanax was for anxiety?

12 A. I don't remember the anxiety that -- I would have to refer  
13 back to the medical record, but the Zoloft was probably for  
14 depression.

15 Q. And again, another prescription, October 30th of 2002. Is  
16 that right?

17 A. That's what it says.

18 Q. And again, December the 20th of 2002?

19 A. Yes.

20 Q. And again, January of 2003, those are all prescriptions for  
21 Zoloft. Is that correct?

22 A. Yes, ma'am.

23 Q. Okay. Then we have some prescriptions for Effexor in 2003,  
24 beginning in July of 2003 and August of 2003. That is another  
25 antidepressant medication. Isn't that correct?



11:35

1 A. Yes, ma'am.

2 Q. All right. Then we have, in September of 2003, a  
3 prescription for Lamictal. Is that right?

4 A. Yes.

11:35

5 Q. And that sometimes shows up in your records as "Lamactal,"  
6 isn't that correct, with an A instead of an I? Have you seen  
7 that in your records?

8 A. I didn't notice.

9 Q. You didn't. That's a medication for bipolar disorder or  
10 seizures. Is that correct?

11:35

11 A. No, it can be used for depression.

12 Q. Oh, all right. And what's the source of that information?

13 A. A doctor.

14 Q. What doctor?

11:36

15 A. I don't remember.

16 Q. Okay. But you remember that somebody told you that that  
17 can also be used for depression?

18 A. Yes.

19 Q. Okay.

11:36

20 A. And I think also your expert doctor says that, Meisner said  
21 it in his report, as well.

22 Q. All right. We'll take a look at that later then.

23 Also in September, you are taking Zoloft for  
24 depression. Is that correct?

11:36

25 A. Yes.

1 Q. And I believe that you testified in your deposition that  
2 any of the prescriptions that you had filled, you actually took  
3 the entire prescription, right?

4 A. Probably.

5 Q. Okay. Well, you told me in your deposition --

6 A. Yeah.

7 Q. Do you recall that you told me that you did, in fact, take  
8 all of these medications that were prescribed to you?

9 A. I'm sure I did.

10 Q. All right. Again, in October of 2003, you're prescribed  
11 Lamictal for -- which I believe to be for bipolar disorder or  
12 seizures but you believe to be for depression?

13 MR. KELLY: Objection, your Honor. It doesn't really  
14 matter what Ms. Vorpahl believes it to be.

15 A. I don't believe I've ever been diagnosed with bipolar  
16 disorder.

17 THE COURT: Just a second. Just a second.

18 MR. KELLY: She's testifying as to what she believes  
19 it to be for.

20 THE COURT: Well, reask the question.

21 BY MS. VORPAHL:

22 Q. All right. You were prescribed Lamictal in October --  
23 again, in October of 2003?

24 A. Yes.

25 Q. And Zoloft again in October of 2003?

11:37 1 A. Yes.

2 Q. And Lamictal again in November of 2003?

3 A. Yes.

4 Q. And Zoloft again in December of 2003?

11:37 5 A. Yes.

6 Q. And Lamictal again in January of 2004?

7 A. Yes.

8 Q. And Topamax in September of 2004?

9 A. What is Topamax?

11:37 10 Q. I believe that it is for migraines or seizures.

11 A. Oh, you're right. Sorry. Yes.

12 Q. And you recall being prescribed that?

13 A. I do, yes.

14 Q. Again, you understand these are just the records from one

11:37 15 pharmacy?

16 A. I do.

17 Q. All right. Again, in November of 2004, you're prescribed

18 Zoloft. Is that right?

19 A. Yes.

11:38 20 Q. And also in that same month in November of 2004, you were

21 prescribed Diazepam. Do you know what that is?

22 A. Yes. And I got prescribed that because of my augmentation.

23 I think I got just a few pills to take during my augmentation.

24 Q. All right. And in December, you're prescribed Ambien?

11:38 25 A. Yes.

1 Q. That's a sleep medication?

2 A. It is.

3 Q. All right. If you'll turn to the next page -- I think  
4 those are the only questions I have with regard to this  
5 exhibit.

6 A. Okay.

7 Q. I want to ask you about some of the résumés that you have  
8 prepared at various times in the process of seeking employment.  
9 Okay?

10 A. Okay.

11 Q. You prepared several résumés, haven't you?

12 A. I've probably prepared a lot, yes.

13 Q. Okay. And you don't know whether they're accurate or not,  
14 do you?

15 A. I would have to look at them.

16 Q. All right. Well, do you recall testifying in your  
17 deposition that you don't know whether any of your résumés are  
18 accurate or not?

19 A. I said that before I looked at them.

20 MS. VORPAHL: Your Honor, if I could, please, get the  
21 deposition.

22 BY MS. VORPAHL:

23 Q. Let me just ask you this: You don't recall whether you've  
24 ever prepared a résumé that was inaccurate, do you?

25 A. I don't recall. I know my dates were wrong. I do know

11:40 1 that. Because throughout the deposition, we determined that  
2 there was a lot of inaccuracies in the dates.

3 Q. Well, let's take a look, please --

4 MS. VORPAHL: If you can put on the screen Joint  
11:40 5 Exhibit 107.

6 BY MS. VORPAHL:

7 Q. Can you see this exhibit?

8 THE COURT: I can't. Yeah, that's better.

9 A. Sort of.

11:40 10 BY MS. VORPAHL:

11 Q. All right. This is a résumé that you prepared after you  
12 went to work at KBR. Is that right?

13 A. Yes.

14 Q. All right.

11:40 15 A. Sorry.

16 Q. And you can tell that because it starts with 2004  
17 employment at KBR. Is that right?

18 A. It does.

19 Q. All right. And then it backs up and it says that from 2002  
11:40 20 to 2003, you were at Hewlett-Packard, Stanton Financial. Is  
21 that correct?

22 A. That's what it says.

23 Q. All right. But that's not right, is it?

24 A. I don't know my dates very well.

11:41 25 Q. Well, you were -- you were in -- at Stanton Financial for

1 only part of 2003. Isn't that correct?

2 A. I would have to look at the records. I have no idea  
3 sitting here what the years and dates and all that were.

4 Q. All right. And going down the résumé, the first page of  
5 the résumé, you didn't work for SBC Global Convergys for 2001  
6 and 2002 either, did you?

7 A. I'm bad with dates. I'm so sorry.

8 Q. All right. Well, you worked for SBC Global Convergys only  
9 for two months. Isn't that correct, Ms. Jones?

10 A. Possibly.

11 Q. Well, your start date was March 24th of 2003, and your  
12 termination date was May 23rd of 2003. Do you recall that?

13 A. I don't recall dates and times very well, but I trust your  
14 records.

15 Q. Well, would you -- do you agree with me that you worked for  
16 SBC Global Convergys for only two months?

17 A. I'll agree.

18 Q. You believe that's correct?

19 A. Possibly. If you have the records there, then yes.

20 Q. I have the records, and I'll be happy to show them to you  
21 if you don't agree with that.

22 A. That's fine.

23 Q. But you indicated here that you worked for them not for two  
24 months but for two years. Is that correct?

25 A. That's what it says.

11:42 1 Q. All right. Now, this is the résumé -- Exhibit Number 107,  
2 this is the résumé that you provided to KBR when you were  
3 seeking the position overseas. Isn't that right?

4 A. I have no idea.

11:42 5 Q. You don't know whether this would be that résumé or not?

6 A. I'm not sure, but it probably is.

7 Q. Okay. You also prepared another résumé later, and that's  
8 been marked as Joint Exhibit Number 108.

9 MS. VORPAHL: If we could put that on the screen.

11:43 10 BY MS. VORPAHL:

11 Q. This is after you've gotten married. Is that right?

12 A. Yes.

13 Q. Okay. Can you read for me what the objective is in this  
14 résumé?

11:43 15 A. "Pursuing a career requiring a long-term commitment which  
16 encourages professional/personal growth and advancement, which  
17 will effectively challenge my background, experience, and  
18 expertise."

19 Q. This is a résumé that you prepared when you lived in  
11:43 20 San Diego. Is that correct?

21 A. Yes.

22 Q. All right. And under "Professional Experience," you  
23 indicate that you worked for KBR from 2004 to 2007, didn't you?

24 A. That must have been a typo.

11:44 25 Q. So, that was a typographical error that you indicated that

11:44 1 you worked for Kellogg Brown & Root from 2004 to 2007. Is that  
2 right?

3 A. Yes.

4 Q. Okay. And now the dates that you worked at  
11:44 5 Hewlett-Packard, Stanton Financial, and SBC Convergys have  
6 changed from your prior résumé. Do you see that?

7 A. Yes. I'm the worst person with dates. It's ridiculous,  
8 and I did my best.

9 Q. Okay. It looks to me like the résumé that's been marked  
11:44 10 Exhibit 108 that says "Jamie Jones Daigle" was actually  
11 prepared from or using the same template as the prior résumé  
12 marked Exhibit 107. Is that correct?

13 A. I have no clue. Often in the Microsoft Word, that is the  
14 template. That's a generic template in Word.

11:45 15 Q. Does it have, like, the information there under  
16 "Objective"; or does it have a template that says these are the  
17 categories?

18 A. I copy and paste. And I think it's the same objective,  
19 possibly, on my mom's résumé.

11:45 20 Q. And why would that be?

21 A. To help -- because I copied and pasted the "Objective" part  
22 for her because she didn't know what to do.

23 Q. So, you prepared your mother's résumé that --

24 A. Not the rest of it.

11:45 25 Q. Let me finish my question --



1 A. Okay.

2 Q. -- if you don't mind.

3 You prepared your mother's résumé that she sent  
4 to KBR when she wanted to come -- go overseas in July of  
5 2008 -- I mean, 2005. Is that right?

6 A. I prepared the one where she worked at Continental, and  
7 that would have the same objective because she never changed  
8 it.

9 MS. VORPAHL: Let's put Exhibit B11 up next to  
10 Exhibit 107.

11 BY MS. VORPAHL:

12 Q. Now, this Exhibit B11, your mother's résumé, is the one  
13 that you really said you didn't know anything about when  
14 Mr. McKinney examined you. Isn't that right?

15 A. Yes. The one that she went to Iraq, she prepared. Now,  
16 that objective would be the same because I prepared the one  
17 where she worked at Continental, to get her Continental job.  
18 But she added Continental, she added all of that. So, I had no  
19 idea what else she added on there.

20 Q. All right. So, you prepared her résumé for her to go to  
21 Continental?

22 A. Yes, but not the one for her to go to Iraq.

23 Q. Okay. Well, tell me, if you can --

24 MS. VORPAHL: If we could go to Exhibit 108 and B11.

25 Yes. Thank you.

1 BY MS. VORPAHL:

2 Q. Comparing these two exhibits, you and your mother have not  
3 only the same objective, but you also have the same --  
4 basically the same skills. Is that correct?

5 A. All I know is I helped her prepare a résumé to go to  
6 Continental Airlines. Now, if she took that and she changed it  
7 for -- to work at -- maybe at your company, KBR.

8 MS. VORPAHL: Okay. If you could go down to the  
9 "Skills" portion of both résumés.

10 BY MS. VORPAHL:

11 Q. Let's look at the "Skills" portion of your mother's résumé,  
12 Exhibit B11.

13 MS. VORPAHL: Could we enlarge that, please? You can  
14 take the highlighting off.

15 Well, actually, no. Leave the highlighting on.  
16 I'm sorry. All right. If you can leave the highlighting on  
17 and enlarge it again. I apologize.

18 BY MS. VORPAHL:

19 Q. Mr. McKinney asked you about the excellent attendance and  
20 the fact that your mother, in fact, didn't have excellent  
21 attendance at the time that she prepared this résumé and  
22 submitted it to KBR, right?

23 A. Right.

24 Q. Okay. I wanted to ask you about the next sentence. It  
25 looks like it says: Educated in necessary research skills to

11:48 1 save and gain prophets.

2 Do you know what that means?

3 A. Yeah.

4 Q. Could you tell me?

11:48 5 A. Well, that you're educated to research different attributes  
6 of a company; and in your research, through marketing and  
7 whatever else that the company needs, you can save and gain  
8 profits.

9 Q. So, you meant the word "profits," P-R-O-F-I-T-S. Is that  
11:48 10 right?

11 A. Yes.

12 Q. Okay. Did you put that on your mother's résumé?

13 A. I have no idea. I know I prepared it when she worked at  
14 Continental.

11:48 15 Q. Okay. Well, let's look now at Exhibit 108.

16 A. And this was, like, way before probably I even had an  
17 education. So, sorry.

18 Q. Well, this was in 2005, right?

19 A. I didn't prepare that skill set in 2005. She just used the  
11:49 20 résumé over and over again and would just add stuff to it. So,  
21 whenever she started working at Continental is when I wrote  
22 that.

23 Q. Okay. Well, let's take a look at Exhibit 108. Now, this  
24 is when you are in San Diego?

11:49 25 A. Okay.

11:49

1 Q. And you are taking college courses?

2 A. Okay.

3 Q. And you've already had some college coursework here. Is  
4 that right?

11:49

5 A. When is this -- do we have a prepared date on it because my  
6 dates are --

7 Q. I don't believe you indicated that. But could you tell the  
8 jury when you lived in San Diego?

9 A. Oh, yes. Let's see. That was on Juniper Street. So,

11:49

10 Juniper Street, I was just starting my Bachelor's in criminal  
11 justice.

12 Q. Could you say what year that was?

13 A. I'm bad with dates and times.

14 Q. So, you just don't have any idea?

11:50

15 I believe that it was 2008.

16 A. Let's see. I believe it was in '07.

17 Q. All right. So, we'll agree together that it was either in  
18 '07 or '08?

19 A. Okay.

11:50

20 Q. You were either 22 or 23 years old. Is that right?

21 A. I think it was '07.

22 Q. Okay. And actually, you have exactly -- or very similar  
23 description of skills, including this "educated in necessary  
24 research skills to save and gain prophets," P-R-O-P-H-E-T-S.

11:50

25 Is that right, in your résumé that you prepared when you were

1 out in San Diego?

2 A. Well, with résumés that I've always prepared, I've just  
3 used -- for awhile I use the same one; and I would just change  
4 it up. So, obviously it was a typo I never caught.

5 Q. Okay. And same for résumés that you've prepared for your  
6 mother?

7 A. I prepared a résumé to go to Continental; and she used it,  
8 apparently, over and over again.

9 MS. VORPAHL: May I approach the witness, your Honor?

10 THE COURT: You may.

11 BY MS. VORPAHL:

12 Q. Just so that we can make sure that we both agreed, I would  
13 like to show you what has been marked as KBR Exhibit 2.

14 A. Okay.

15 Q. This is a record from Convergys Corporation. And could you  
16 tell us, based upon this business record, what your start date  
17 and ending date of employments were?

18 A. Okay. It was 3-24-03 and 5-24 -- 23-03. So, you're right,  
19 two months.

20 Q. Okay. Not two years?

21 A. Not two years. May have seemed like two years.

22 Q. I now would like to turn and talk about the employment  
23 application that you -- and the application process --

24 A. Okay.

25 Q. -- when you joined KBR.

1 A. Okay.

2 Q. Okay?

3 You came to seek employment at KBR because your  
4 father's girlfriend knew someone at KBR. Is that right?

5 A. Yes.

6 Q. And you completed an employment application for a position  
7 as a temporary IT administrative assistant in mid April of  
8 2004. Is that right?

9 A. What -- can you repeat the --

10 Q. You completed an employment application -- and, in fact, we  
11 can put it on -- it's Joint Exhibit 3 --

12 A. Okay.

13 Q. And my question was this: You completed an employment  
14 application for a position as a temporary IT administrative  
15 assistant in mid April of 2004. Is that correct?

16 A. Okay.

17 Q. The date on your application is 4-15-04, right?

18 A. Yes, that's what it says.

19 Q. And that's your handwriting on that application?

20 A. It is.

21 Q. You were offered a job, and you went to work the same day.  
22 Isn't that right?

23 A. I don't know.

24 Q. All right.

25 MS. VORPAHL: Your Honor, I've just been made aware

11:53 1 that there's a Social Security number on this. May I go and  
2 have it redacted?

3 THE COURT: You may.

4 MS. VORPAHL: We tried our very best not to have any  
11:53 5 Social Security numbers.

6 May I approach the witness again?

7 THE COURT: You may.

8 BY MS. VORPAHL:

9 Q. Ms. Jones, I'm going to show you what has been marked as  
11:54 10 Joint Exhibit 97 and ask you -- and I'm going to represent to  
11 you that this is an employee history report from KBR. Can you  
12 tell me what day you commenced your employment based upon this  
13 record?

14 A. Can I see it?

11:54 15 Q. Certainly.

16 A. Okay. 4-15-04 is what it says. And it says, "Hire  
17 applicant."

18 Q. Okay. So, that's the day you started at KBR?

19 A. Yes.

11:54 20 Q. All right.

21 A. And it is -- sorry. I didn't remember. Okay.

22 MS. VORPAHL: Now, if we could put the employment  
23 application back up. Do you need to know what number it is  
24 again? Joint Exhibit 3.

11:55 25 Can you move down? Okay. Right in there.

1 BY MS. VORPAHL:

2 Q. Do you see that there is a section in the middle that  
3 indicates "Educational Background"?

4 A. I see that.

5 Q. All right. And you indicated that you graduated from  
6 Westfield High School. Is that right?

7 A. Yes.

8 Q. Okay. And then you indicated that you had -- either had  
9 attended or were attending Montgomery Community College. Is  
10 that right?

11 A. Yes.

12 Q. All right. And you indicated that you had completed  
13 28 hours?

14 A. Yes.

15 Q. All right. You had not completed 28 hours, had you?

16 A. I have no idea.

17 Q. All right. Well, let me see if I can show you some records  
18 to refresh your recollection.

19 MS. VORPAHL: May I approach the witness?

20 THE COURT: You may.

21 BY MS. VORPAHL:

22 Q. Let me show you, if I may --

23 A. Okay.

24 Q. -- your transcript. And if you'll tell me how many college  
25 hours -- college credits you had. I believe you had nine



1 credits as of April the 4th of 2004.

2 A. How do you tell that?

3 MS. VORPAHL: May I approach the witness, your Honor?

4 THE COURT: You may.

5 THE WITNESS: Yes, please.

6 Sorry. I can't really read it.

7 BY MS. VORPAHL:

8 Q. This is the fall of 2003.

9 A. Okay.

10 Q. Can you tell the -- can you tell the jury --

11 A. What about these '04?

12 Q. Yes. And you were enrolled in some classes in '04, in  
13 spring of '04. Is that right?

14 A. Yes.

15 Q. But in April you had not completed those courses, had you?

16 A. I probably counted them anyway.

17 Q. Okay. It says -- can you look on here and it says, "Hours  
18 completed"?

19 A. Oh, okay.

20 Q. All right. So, as of -- in the fall of 2003 was the first  
21 time that you went to college, right?

22 A. Uh-huh.

23 Q. Is that "yes"?

24 A. Yes. I'm sorry.

25 Q. And you started out you were going to take a sociology

1 course; but you withdrew from that, correct?

2 A. Looks like it.

3 Q. You took two algebra courses and an art appreciation  
4 course; and at the end of the fall semester, you had nine  
5 credits. Is that correct?

6 A. Yes. And then I took -- oh, okay. Yes.

7 Q. Okay. And, then, in the spring you took -- you took some  
8 additional courses, which were still underway at the time that  
9 you made application at KBR. Isn't that correct?

10 A. It looks like it.

11 Q. All right. So, we've established that you started at KBR  
12 on April the 15th of 2004, right?

13 A. Yes.

14 Q. But you continued to draw a salary from your prior  
15 employer, Stanford Financial Records, through April 23rd of  
16 2004, right?

17 A. Well, that's -- I didn't work at two places at once.

18 Q. Well, you, in fact, didn't notify the people at Stanford  
19 Financial that you were leaving there until April 21st,  
20 six days after you started at KBR. Is that correct?

21 A. I have no idea.

22 Q. And it's actually Stanton Financial, not Stanford.

23 A. Oh, sorry.

24 MS. VORPAHL: Let's put KBR Exhibit 40 -- no. Let's  
25 wait. Excuse me. Let's -- may I approach the witness?

1 THE COURT: You may.

2 BY MS. VORPAHL:

3 Q. Let me show you your employment records from Stanton  
4 Financial --

5 A. Okay.

6 Q. -- including an e-mail, see if that refreshes your  
7 recollection of when you notified Stanton Financial that you  
8 were leaving there.

9 A. Oh, okay. It says, "Jamie is here," because I had to bring  
10 them that letter. But when you work two weeks, you know, you  
11 get paid later, after the fact. That's what explains it.

12 Q. Okay. You are aware of this e-mail?

13 A. Yes.

14 Q. And it's consistent with your recollection?

15 A. It is.

16 Q. All right.

17 A. And I -- they wanted me to deliver the letter, bring a  
18 letter, type a letter and bring it there.

19 MS. VORPAHL: If we could please put KBR Exhibit 46,  
20 which I will now move for admission of.

21 MR. KELLY: I've got to look at it, your Honor.

22 THE COURT: Okay.

23 MR. KELLY: I didn't know what she was talking about  
24 when she approached.

25 MS. VORPAHL: I thought we had given you copies of

11:59 1 these exhibits. I apologize.

2 MR. KELLY: You just called the number, just this  
3 second.

4 I have no objection.

12:00 5 THE COURT: Admitted without objection.

6 MS. VORPAHL: Could we put KBR Exhibit 46 up?

7 This is KBR Exhibit 46.

8 That's not the right exhibit.

9 BY MS. VORPAHL:

12:00 10 Q. Well, let me just read the exhibit.

11 A. Okay.

12 Q. And it's what you and I have talked about. It is dated  
13 Wednesday, April the 21st, 2004. It's from Michelle Mossbaugh.  
14 Was she an office administrator at Stanton Financial?

12:00 15 A. Probably. I don't remember.

16 Q. All right. And it's to a number of different people. And  
17 the subject is "Jamie." And it says: Just thought I would let  
18 you know Jamie is here, but she is typing up a letter of  
19 resignation. She is leaving after that. She got another job,  
12:01 20 starting tomorrow.

21 Now, you already had another job that you had  
22 started --

23 A. Oh, okay. You're right.

24 Q. -- six or seven days earlier, right?

12:01 25 A. Yes.

12:01 1 Q. But you told the people at Stanton Financial that you would  
2 be starting your new job the next day?

3 A. I guess I did.

4 Q. Okay. And, in fact, they paid you, as the second page --  
12:01 5 or the third page, actually, of KBR Exhibit 46 indicates they  
6 paid you through April 21st of 2004. Is that right?

7 A. I'll trust whatever you have, yes.

8 Q. Okay. Would you like to see the exhibit again?

9 A. No, thank you.

12:01 10 Q. All right. Let's turn to the issue of the Halliburton or  
11 KBR Code of Business Conduct.

12 A. Okay.

13 Q. You received your copy of the Code of Business Conduct  
14 while you were employed in Houston. Isn't that right?

12:02 15 A. Yes.

16 Q. All right. And that's been marked as Joint Exhibit 5.

17 MS. VORPAHL: Your Honor, could I try to find that  
18 exhibit?

19 THE COURT: Yes, you may.

12:02 20 MS. VORPAHL: Okay.

21 BY MS. VORPAHL:

22 Q. I'm just going to hand you a copy of what's been marked as  
23 Bortz Exhibit 5, because it may be easier for you to follow  
24 along with it.

12:03 25 A. Okay.

12:03

1 Q. This is the KBR Code of Business Conduct.

2 A. Yes.

3 Q. And you did write "mandatory reading, annually tested" on  
4 the inside front cover. Is that right?

12:03

5 A. That's my handwriting.

6 Q. Okay. And this was a -- it was a brochure that looks  
7 something like this. Is that right?

8 A. Yes.

9 Q. Okay. And every employee of KBR was given a copy of this  
10 brochure. Is that right?

12:03

11 A. I don't know. I just know I was given one.

12 Q. Okay.

13 A. But probably, yes.

14 Q. And you were told that it was mandatory reading, and that  
15 you would be tested at least annually on it?

12:03

16 A. Apparently, yes.

17 Q. Okay. You don't recall that?

18 A. I wrote it down; so, yeah, I was told that.

19 Q. Okay. Take a look at -- now at what's been marked  
20 Exhibit 29, Joint Exhibit 29.

12:03

21 A. Are we still on this?

22 Q. I'm going to ask you some questions.

23 A. Oh.

24 Q. But I first want to show you a couple of other things.

12:04

25 In July of 2005, you were asked to "read each of

12:04 1 the below statements and initial next to each." Is that right?

2 A. Yes.

3 Q. Okay. And that's your signature there?

4 A. Yes.

12:04 5 Q. And you indicated in July of 2005 that you certified that  
6 you had received and read a copy of the Halliburton Code of  
7 Business Conduct summary, which is Joint Exhibit 5 that we've  
8 been talking about, right?

9 A. Yes.

12:04 10 Q. That you understood and agreed to abide by the policies  
11 described in the summary. Is that correct?

12 A. Yes.

13 THE COURT: Slow down a little bit, Ms. Vorpahl.

14 MS. VORPAHL: Oh, I'm sorry. Thank you, Judge.

12:04 15 BY MS. VORPAHL:

16 Q. That -- you certified also that you had received a copy of  
17 the Welcome to LOGCAP III Mini Personal Guide. You understood  
18 it was your responsibility to read and follow all the  
19 information contained in that guide?

12:05 20 A. Yes, I signed it.

21 But do you have that so I can --

22 Q. Yeah. We'll talk about it in a few minutes.

23 You certified that you had received a copy of the  
24 LOGCAP III Support Contract Expense Procedures?

12:05 25 A. Okay. Yes, I did.

12:05 1 Q. And you agreed that you were not authorized to post certain  
2 information on the Internet. Is that right?

3 A. That's what it says, yes.

4 Q. And then you signed this form?

12:05 5 A. Yes.

6 Q. Now, prior to that --

7 MS. VORPAHL: If we could have Joint Exhibit 7.

8 BY MS. VORPAHL:

9 Q. -- on August the 2nd of 2004, you had, likewise, agreed  
12:05 10 that you had received and read a copy of the Halliburton  
11 company Code of Business Conduct Summary, Joint Exhibit 5,  
12 right?

13 A. Yes.

14 Q. And had you read it when you signed Exhibit 7, Joint  
12:05 15 Exhibit 7?

16 A. Probably, yes.

17 Q. All right. I mean, you wouldn't have signed this if you  
18 hadn't read it, right?

19 A. Doubt it.

12:06 20 Q. All right. And same with Exhibit 29, the acknowledgment  
21 form, you wouldn't have signed if you hadn't read it, right?

22 A. I probably wouldn't have, yeah.

23 Q. All right. And likewise --

24 MS. VORPAHL: If we could see Exhibit 6.

12:06 25 This is really dark. May I approach the witness,



1 your Honor?

2 THE COURT: You may.

3 BY MS. VORPAHL:

4 Q. Let me show you what has been marked as Exhibit 6.

5 A. Okay.

6 Q. This indicates that you took online training on the Code of  
7 Business Conduct for two hours. Can you tell the jury the date  
8 on which you took that training?

9 A. It's hard to read. Okay, sorry. 6-30-04.

10 Q. All right. So, on June 30th, '04, you took two hours of  
11 online training on the Code of Business Conduct as well,  
12 correct?

13 A. Yes.

14 Q. And you still had this Code of Business Conduct at the time  
15 that you filed this lawsuit. Isn't that right? Because your  
16 lawyer was able to produce it to us during discovery.

17 A. Very well likely, yes.

18 Q. All right. This wasn't someone else's copy of the Code of  
19 Business Conduct?

20 A. No. Because it has my handwriting on it, yes.

21 Q. All right. You knew that it was your personal  
22 responsibility to abide by the policies in this handbook?

23 A. Yes.

24 Q. All right. You knew that this was just a summary of each  
25 policy. It says "summary," right?

12:07

1 A. It does.

2 Q. All right. And that the complete policies were available  
3 to you in written or electronic form; you knew that, correct?

4 A. I suppose I did.

12:07

5 Q. Well, it is in the handbook.

6 A. Okay.

7 Q. If you'll take a look at Page 2 of the handbook, which is  
8 marked JLJ03487 at the bottom.

9 A. Okay.

12:08

10 Q. It does say: If an employee wishes to refer to the  
11 complete policy summarized in this booklet, they are available  
12 in electronic or written form.

13 A. Okay.

14 Q. All right?

12:08

15 And if you had a question about any policy, you  
16 were directed to contact the legal department. The "law  
17 department," I believe they call it. Is that correct?

18 A. That's what it says, yes.

19 Q. That is what it says.

12:08

20 Okay. In the Code of Business Conduct, employees  
21 such as yourself were specifically advised that: No employee  
22 should be misguided by some sense of loyalty to the company or  
23 by a desire to help the company achieve profits such that they  
24 would disobey the Code of Business Conduct.

12:08

25 That's on Page 3, isn't it? Which is JLJ03488.

1 A. Yes.

2 Q. In other words, the Code of Business Conduct was to be your  
3 guiding standard during your employment with Halliburton or KBR  
4 for conducting your work.

5 A. Yes.

6 Q. All right. Now, take a look, if will you, at Page 12 of  
7 the handbook -- or the Code of Business Conduct.

8 Q. There's a section there entitled: Employment and the  
9 Workplace. Is that correct?

10 MS. VORPAHL: Can you highlight just that section,  
11 please?

12 THE WITNESS: I see it, yes.

13 BY MS. VORPAHL:

14 Q. All right. And it says: Company policy prohibits all  
15 unlawful discrimination against any employee or applicant for  
16 employment. Is that correct?

17 A. That's what it says.

18 Q. "Yes"?

19 A. Yes.

20 Q. And it goes on to say that the company will endeavor to  
21 provide a diverse workforce, is that right, that reflects the  
22 community in which it operates?

23 A. Yes.

24 Q. All right. Then the next paragraph towards the bottom of  
25 that paragraph says that it -- and you read all of this at the

12:10

1 time, right?

2 A. I probably did, yes.

3 Q. Okay. Well, you probably did, or you -- or you know you  
4 did?

12:10

5 A. I signed it, so I probably did.

6 Q. But you don't recall whether you really did or not?

7 A. And I had to take the two hours. I'm sure I did.

8 Q. Okay.

9 A. I probably did.

12:10

10 Q. All right. In the next paragraph that begins with respect  
11 to operations --

12 A. Okay.

13 Q. -- the policy provides that it is intended to provide  
14 employees with a working environment free of discrimination,  
15 harassment, intimidation or coercion relating directly or  
16 indirectly to race, color, religion, sex, age, disability or  
17 national origin. Is that right?

18 A. Yes.

19 Q. And it mandates that all directors, members of management  
20 and other employees shall actively support this policy. Is  
21 that correct?

22 A. That's what it says, yes.

23 Q. All right. The next policy is a policy regarding  
24 harassment. Is that right?

12:11

25 A. Yes.

1 Q. And it provides that all employees should be treated with  
2 dignity and respect. Is that right?

3 A. Yes.

4 Q. It then defines harassment. Is that correct?

5 A. Yes.

6 MS. VORPAHL: Can you scroll all the way down and  
7 highlight the entire definition of harassment?

8 BY MS. VORPAHL:

9 Q. It talks about verbal or written harassment, physical  
10 harassment and sexual harassment. Is that right?

11 A. Yes.

12 Q. Then it says that it's not considered harassment for  
13 supervisors or other members of management to enforce job  
14 performance and standards of conduct in a fair and consistent  
15 manner. Right?

16 A. Yes.

17 Q. And then it says: Any employee who believes she or he is  
18 being harassed should consider telling the offending party that  
19 she or he objects to that conduct. This often solves the  
20 problem. However, if an employee is not comfortable

21 confronting the offending party, or if the offending party's  
22 unwelcome conduct continues, the employee should advise his or  
23 her immediate supervisor of the offending conduct. If the  
24 employee is more comfortable discussing the issue with someone  
25 other than his or her immediate supervisor, or if the immediate

1 supervisor has not taken --

2 THE COURT: Slowly. Slowly.

3 BY MS. VORPAHL:

4 Q. -- what the employee regards as appropriate action to solve  
5 the problem, the employee should contact a human resources or  
6 law department representative.

7 Do you see where it says that?

8 A. Yes.

9 Q. So, this policy provides you with a method of reporting  
10 problems, correct?

11 A. Yes.

12 Q. You never contacted human resources or the law department  
13 or any representative regarding Eric Iler, did you?

14 A. I used your open door policy.

15 Q. That wasn't my question.

16 You never contacted human resources or the law  
17 department, did you?

18 A. No.

19 Q. All right. And you say that you contacted Frederick Heard.  
20 Is that right?

21 A. Yes.

22 Q. And Mr. Heard was an IT coordinator at the time you  
23 contacted him in 2005. Isn't that right?

24 A. No.

25 Q. That was -- you're telling me that was not his position?

1 A. His position was in operations.

2 Q. I'm sorry. He was operations coordinator. I did misspeak.

3 He was an operations coordinator. Isn't that  
4 correct?

5 A. I don't know the complete title, but I just know he was in  
6 operations.

7 Q. All right. He was not your supervisor?

8 A. He was above me. He was my superior. He had more  
9 seniority. And he contacted his boss, as well.

10 Q. He was not your supervisor. Is that correct?

11 A. He was my superior, is what I thought.

12 Q. He was not your supervisor, right?

13 A. I thought he was my superior.

14 THE COURT: Okay. Is there any argument about whether  
15 or not he was a supervisor of you?

16 THE WITNESS: I thought he was.

17 BY MS. VORPAHL:

18 Q. You thought he was your supervisor?

19 A. I thought he was a supervisor. I thought he was a  
20 superior.

21 Q. Okay. He was an IT coordinator. What made you think he  
22 was a supervisor?

23 A. He wasn't an IT coordinator.

24 Q. I said that now twice.

25 He was an operations coordinator.

1 2 : 1 4      1      A. It was his job title. And he played the role of a  
2      supervisor. He had, like, a little office and everything. And  
3      I was in a big room with a bunch of computers. So, I thought  
4      he was.

1 2 : 1 4      5      Q. So, because you were in a big room with a bunch of  
6      computers and he had a little office, you concluded that he was  
7      a supervisor?

8      A. And other reasons, but yes.

9      Q. Okay. What were the other reasons?

1 2 : 1 5      10      A. He acted like a supervisor.

11      Q. But he didn't supervise you?

12      A. Well, he was there and he always guided me and trained me  
13      and everything else; so, I thought he was my superior.

14      Q. Okay. So this was after you moved to operations that  
1 2 : 1 5      15      you -- that you made this report?

16      A. I made one before, too.

17      Q. Oh. When did you make the first one?

18      A. I don't remember.

19      Q. And who was that to?

1 2 : 1 5      20      A. Frederick Heard.

21      Q. So, you reported to him twice, actually, is what you're  
22      telling this jury?

23      A. I believe three times.

24      Q. Three times to Frederick Heard?

1 2 : 1 5      25      A. Yes.



1 Q. And when were those?

2 A. I don't know.

3 Q. All right. Well, tell me about the first time that you  
4 reported to him. What did you report?

5 A. The first time, I talked to him about Eric Iler and what he  
6 was making me do.

7 Q. Well, tell the jury what you told Frederick Heard.

8 A. I said that I was doing some unwanted things with my  
9 supervisor.

10 Q. And what was Frederick Heard's response on this first  
11 occasion?

12 A. That he would go and talk to a guy named Stan Young.

13 Q. All right. Now, was this when you were in operations or  
14 was this when you were in IT?

15 A. I don't know.

16 Q. Okay. When was the second occasion?

17 A. I think it was when I was in IT.

18 And the second one was when I found out that Eric  
19 Iler was going to go to Iraq because I was going to Iraq. And  
20 he shipped out pretty quickly after. He was following me over  
21 there. And I wanted to get away from him. So, I told him all  
22 about it the second time, too.

23 Q. And that was in July of 2005?

24 A. That was.

25 And my mother called him as well.

1 Q. All right. Now, when was the third time that you spoke to  
2 Frederick Heard?

3 A. It was a follow-up.

4 Q. And when was that?

5 A. Probably in July.

6 Q. But you didn't make any notes of these conversations you  
7 say you had?

8 A. They happened and --

9 Q. But my question was different.

10 A. -- I talked to them.

11 Q. You didn't make any notes of the conversations?

12 A. If I did, I don't have them today.

13 Q. All right.

14 THE COURT: Ms. Vorpahl, you might look for a time we  
15 can break for lunch.

16 MS. VORPAHL: Your Honor, this is just a fine time.

17 THE COURT: Okay. Is 45 minutes adequate or not?

18 Okay. We'll see you back here, then, at  
19 1:00 o'clock. Thank you.

20 *(Recess was taken from 12:17 p.m. to 12:53 p.m.)*

21 *(Jury not present)*

22 THE COURT: We're hosting a party for our summer  
23 interns so I've got to leave a little bit early.

24 MS. VORPAHL: About what time will we --

25 THE COURT: I'm thinking 4:45 or something like that.

1 MS. VORPAHL: Thank you for the heads-up.

2 THE COURT: I didn't know we would be in the middle of  
3 a trial at the time I agreed to it.

4 You-all tell me when everyone is here and all  
5 present and correct, and we'll get started.

6 MR. MCKINNEY: We're all here, Judge.

7 THE COURT: Okay. Tell me what's up.

8 MS. HOLCOMBE: Your Honor, before Ms. Vorpahl  
9 continues with cross-examination --

10 THE COURT: Right, right.

11 MS. HOLCOMBE: -- in an effort to kind of speed things  
12 up, there are a handful of medical records we would like to  
13 preadmit. I have spoken with counsel on some of the 412  
14 issues, and we have agreed to redact them for purposes of  
15 showing the jury. I've shown her the redactions; and she's  
16 agreed to them, as far as I know.

17 MS. MORRIS: Uh-huh.

18 MS. HOLCOMBE: And we would -- I can read. Unless you  
19 have any other objection, we would like to go ahead and  
20 preadmit some of these so that we don't have to waste the  
21 jury's time.

22 THE COURT: Fine with me. I like that idea.

23 MS. HOLCOMBE: Okay. They are KBR 20; KBR 86; Bortz  
24 165; Bortz 158, and it will be redacted for the purposes that  
25 we agreed; KBR 94; Bortz 155, and it will be redacted as the

1 parties have agreed; Bortz 172; Bortz 160; Bortz 162; Bortz  
2 247, which I think is in evidence, but I was out of the room;  
3 KBR 103; KBR 78; KBR 75; KBR 74, but it has been redacted as  
4 both parties have agreed; KBR 77; Bortz 164, but I believe it's  
5 in evidence; KBR 79; KBR 81; Bortz 165, but I do believe it's  
6 been admitted; Bortz 158; KBR 71; KBR 80; KBR 89; KBR 93;  
7 KBR 90; KBR 103; Bortz 166, and it has been redacted as both  
8 parties have agreed; Bortz 171, and it has -- portions have  
9 been redacted as both parties have agreed; KBR 102; KBR 82;  
10 KBR 85; Bortz 153; Bortz 87; and KBR 88.

11 And I should state for the record I believe  
12 Bortz 153, as I just saw, has been admitted. So, sorry for the  
13 confusion.

14 THE COURT: All agreed. Okay.

15 MS. MORRIS: Your Honor, just --

16 *(Sotto voce discussion between Ms. Morris and Ms. Holcombe)*

17 MR. KELLY: We're talking about Bortz 153, your Honor.  
18 As long as it went in redacted, we're okay.

19 THE COURT: Why don't you-all just go off the record  
20 and discuss this among yourselves so Cher won't have to get  
21 down every word of this.

22 *(Sotto voce discussion between plaintiff and defense*  
23 *counsel)*

24 MS. HOLCOMBE: So are they admitted, your Honor?

25 THE COURT: They're admitted.

12:59

1 MS. HOLCOMBE: Thank you.

2 THE COURT: Are we ready for the jury?

3 MR. MCKINNEY: We are.

4 THE COURT: Okay. Good.

12:59

5 Yes, sir, we're ready.

6 MS. VORPAHL: Your Honor -- that's okay.

7 MR. KELLY: Ms. Vorpahl agreed she wouldn't use those  
8 exhibits until we have them admitted. So we can postpone it.  
9 I know you have a jury waiting.

01:07

10 *(Jury present)*

11 THE COURT: Members of the jury, please be seated.

12 MS. VORPAHL: May it please the Court, may I continue?

13 THE COURT: You may.

14 BY MS. VORPAHL:

01:07

15 Q. Ms. Jones, before we took our lunch break, we were talking  
16 about the Code of Business Conduct, the KBR Code of Business  
17 Conduct. Do you remember that?

18 A. Yes.

19 Q. Okay. And you had told me about a series of conversations  
20 that you say that you had with Frederick Heard. Is that right?

01:08

21 A. Yes.

22 Q. Do you recall that I took your deposition on April the  
23 26th?

24 A. Yes.

01:08

25 Q. Okay. Of this year?

01:08

1 A. Yes.

2 Q. And I asked you about KBR's sexual harassment policy and --  
3 and any reports that you might have made.

4 A. Yes.

01:08

5 Q. Do you recall that?

6 A. Yes.

7 Q. The first question I asked you was whether you recalled  
8 whether or not you knew when you were at KBR that KBR had a  
9 sexual harassment policy.

01:08

10 And your response was: I was a 19-year-old. I  
11 don't know. I don't think I -- I would remember it this far  
12 into the future.

13 Did you know when you were at KBR that KBR had a  
14 sexual harassment policy?

01:08

15 A. I apparently did, because I had this (indicating).

16 Q. All right. So, you were mistaken in your deposition?

17 A. Probably.

18 Q. And then I asked you to tell me how you -- well, I asked  
19 you whether you recalled the method by which you were supposed  
20 to report sexual harassment.

01:09

21 And you said: I used your open door policy.

22 And I said: You didn't use the policy -- you  
23 don't recall that you knew the policy that was outlined in the  
24 Code of Business Conduct.

01:09

25 And you said: I talked to Frederick Heard and

01:09 1 told him of the situation with my manager. He, in turn, told  
2 Stan Young, which is Eric Iler's boss.

3 That was your testimony then. Is that right?

4 A. Yes.

01:09 5 MR. KELLY: Your Honor, this is improper impeachment.  
6 For one thing, she's testified exactly consistently with it.  
7 Reading her deposition transcript back to her is improper  
8 unless there's some inconsistency.

9 MS. VORPAHL: Your Honor, I don't think it's improper.  
01:09 10 I'm simply trying to make sure that the witness and I are on  
11 the same page so that I now can ask her about --

12 THE COURT: There's no evidentiary prohibition from  
13 reading from a document that's consistent with the witness'  
14 story. So I'm going to allow it.

01:10 15 BY MS. VORPAHL:

16 Q. You did not tell me that you had spoken to Frederick Heard  
17 on three occasions, as you now claim, did you?

18 A. I don't remember what I -- I don't know.

19 Q. Okay. You told me only about one occasion. Isn't that  
01:10 20 right?

21 A. Well, my mom and I have spoken since my deposition. She  
22 said we talked three times. And she was present during all  
23 three conversations.

24 Q. So you and your mother talked since April 26, 2011, and she  
01:10 25 told you: Remember we talked three times, not once?

01:10

1 A. Yes.

2 Q. And so that's the basis on which you've come here and sworn  
3 that you talked to Frederick Heard three times, rather than  
4 once, as you told me --

01:10

5 A. She remembered details.

6 Q. Let me finish my question, please.

7 THE COURT: Slow down.

8 MS. VORPAHL: Okay.

9 BY MS. VORPAHL:

01:10

10 Q. So it's based upon the fact that you've spoken to your  
11 mother since I took your deposition on April the 26th that you  
12 now come under oath and say that you've spoken to Frederick  
13 Heard three times, not once?

14 A. Yes.

01:11

15 Q. I asked you before lunch what Mr. Heard did or advised you  
16 to do. Do you recall that?

17 A. Yes.

18 Q. And what did Mr. Heard advise you to do?

19 A. He said that I should contact, I think, human resources.

01:11

20 But then he said he would take care of it. And he contacted  
21 Stan Young.

22 Q. You didn't contact human resources, as Mr. Heard advised  
23 you to do, did you?

24 A. I was scared. So no.

01:11

25 Q. You didn't?



01:11

1 A. No.

2 Q. Let's open the Code of Business Conduct again.

3 A. Okay.

4 Q. I think we might have been at Page 13.

01:11

5 A. Yes.

6 Q. We had talked about the reporting mechanism. Is that  
7 right?

8 A. Yes.

9 Q. And the Code of Business Conduct tells you that you can

01:12

10 confidentially report any alleged violation of the Code of  
11 Business Conduct, doesn't it? Take a look, please, at Page 16.

12 A. Do you want me to answer that?

13 Q. Yes, but you might want to look at Page 16 as you answer  
14 it.

01:12

15 I mean, if you know the answer, please feel free.  
16 Do you want me to repeat the question again?

17 A. I can look at 16. It's no problem.

18 Q. Okay. My question was: That the Code of Business Conduct  
19 tells you how you can confidentially report any alleged  
20 violation of the Code, doesn't it?

01:12

21 A. That's what it says, yes.

22 Q. Well, read what it says about confidential reporting of  
23 alleged Code violations. Read that aloud, if you will, please.

24 A. Okay.

01:12

25 If you need advice or assistance or know of a

01:13 1 violation of the Code of Business Conduct, you should contact  
2 management or the law department in person or by telephone.  
3 You may also send an e-mail to FHOUCODE, or a letter to the  
4 special mailbox noted below. Or you may --

01:13 5 THE COURT: Let me slow you down a little bit.

6 THE WITNESS: Oh, I'm so sorry.

7 THE COURT: Okay. Carry on.

8 THE WITNESS: Okay?

9 A. Or you may call the company's ethics hotline.

01:13 10 There's a reason why I didn't call, though.

11 BY MS. VORPAHL:

12 Q. Okay. And then you have specific instructions as to how to  
13 do each of these things. Isn't that correct? How to contact  
14 management, if you'll take a look at --

01:13 15 A. Yes.

16 Q. -- Pages -- at Page 18, for example, you have phone numbers  
17 for the executive vice-president and general counsel, for the  
18 law department of each of the three divisions of KBR. Isn't  
19 that right?

01:14 20 A. Yes.

21 Q. Including the KBR government operations division that you  
22 worked for, correct?

23 A. Yes.

24 Q. All right. You have a variety of other phone numbers for  
01:14 25 overseas locations. You have the number for the chief

01:14 1 financial officer, the vice-president of human resources and  
2 the director of business conduct, among others, correct?

3 A. Yes.

4 Q. All right. And on Page 17, you're provided with just  
01:14 5 exactly how to utilize the ethics help line, the mailbox and  
6 the code e-mail address. Is that correct?

7 A. Yes.

8 Q. And you didn't utilize any of those methods of reporting a  
9 complaint?

01:14 10 A. Patricia Zaruba, who worked under Eric Iler, used the  
11 hotline and --

12 MS. VORPAHL: Your Honor, I object. This is not  
13 responsive to my question, which is, did she report -- and her  
14 lawyer can ask whatever questions --

01:15 15 THE COURT: All right.

16 THE WITNESS: I'm sorry.

17 THE COURT: Mr. Kelly will come back and provide you  
18 an opportunity to clarify or add to what you've said. The  
19 specific question right now is whether -- and you didn't  
01:15 20 utilize any of those methods of reporting a complaint. If  
21 that's true, say yes; if untrue, say no.

22 THE WITNESS: I didn't. I didn't.

23 BY MS. VORPAHL:

24 Q. All right. And you never called any of these people whose  
01:15 25 phone numbers are listed on Page 18?

01:15

1 A. No.

2 Q. Finally, on the last page, you're informed -- and that's  
3 Page 19, or JLJ03496 -- you're advised of training  
4 opportunities. Isn't that correct?

01:16

5 A. Yes.

6 Q. All right. And you're advised that the Code of Business  
7 Conduct is published in a number of different languages. Is  
8 that right?

9 A. Yes.

01:16

10 Q. And you're advised of how you may get a copy of the  
11 complete policies if you want them.

12 A. Yes.

13 Q. Now, your lawyer asked you this morning about  
14 Exhibit 137 -- or I'm sorry, last Thursday about Exhibit 137,  
15 which is the KBR Dispute Resolution Plan & Rules. Do you  
16 remember that?

01:16

17 A. Yes.

18 Q. All right. And you answered some questions based on that.  
19 Is that right?

01:16

20 A. Yes.

21 Q. Were you furnished a copy of Joint Exhibit 137 while you  
22 were employed at KBR?

23 A. Can I see it?

24 Q. Certainly.

01:17

25 A. Well, you can put it on the screen.

01:17 1 Q. Well, let's do put it on the screen. But I can certainly  
2 also get you a paper copy if you would like to look at it. Of  
3 course, it's just a Xerox of what you had. I've made some  
4 notes on mine, and so I'm going to have to take it back.

01:17 5 A. No problem.

6 Q. But if you would like to just flip through it --

7 A. I think I have a copy.

8 Q. Oh, it is. It's right in front of you, then.

9 Okay. So you have Exhibit -- it must also be --

01:17 10 A. Is it also the Dispute Resolution Plan?

11 Q. I'm sorry, I brought you the wrong thing.

12 A. No problem.

13 Q. It's called the Code of -- the Dispute Resolution  
14 Procedure. Thank you.

01:18 15 Okay. Now we're on the same page, I hope.

16 A. Okay.

17 Q. I wish I had a paperclip, but we'll worry about that later.

18 A. No problem.

19 Q. All right.

01:18 20 A. Okay.

21 Q. I've now handed you what has been marked as Exhibit 137 so  
22 that you've got your own copy, and we can also look at it up on  
23 the screen. This is what your lawyer asked you some questions  
24 about earlier, right?

01:18 25 A. Yes. Right.

01:18 1 Q. Did you receive a copy of this while you were at KBR?

2 A. I'm sure I did, yes.

3 Q. Okay. And it outlines sort of the rules of procedure for  
4 the dispute resolution plan. Is that right?

01:18 5 A. Yes.

6 Q. Okay. Take a look, if you will, please, at Page 4 of that  
7 brochure --

8 A. Okay.

9 Q. -- Exhibit 137. The section that you and your lawyer  
01:18 10 talked about before entitled "Confidentiality."

11 A. Okay.

12 Q. The first section there actually says that: The program  
13 and its administrator and its staff will hold matters reported  
14 under the program and related communications in confidence.

01:19 15 Isn't that right?

16 A. Yes.

17 Q. It doesn't require any participant to hold anything in  
18 confidence, does it?

19 A. I don't want to answer that without reading the entire  
01:19 20 thing.

21 Q. Well, the provision that you and your lawyer cited to,  
22 which is the second paragraph of 5A, says that: If the  
23 administrator is subpoenaed to testify, the administrator may  
24 invoke the confidentiality provision if the administrator  
01:19 25 chooses. Isn't that correct?

01:19 1 A. That's what it says under this provision, yes.

2 Q. All right. And that's -- this is the very provision that  
3 you and your lawyers talked about on direct examination,  
4 correct?

01:20 5 A. I believe so.

6 Q. All right. Now, the reason that the company -- the --  
7 excuse me -- the program would keep something confidential is  
8 what? Do you know?

9 A. To protect yourself.

01:20 10 Q. To protect the employee who has made an allegation or  
11 accusation. Isn't that correct?

12 MR. KELLY: She's testifying, your Honor. And the  
13 witness said specifically the opposite. She said to protect  
14 yourself, meaning KBR. And Ms. Vorpahl is testifying.

01:20 15 THE COURT: Well, the grammar is not that of the  
16 question, but I think it does pose an issue for Ms. Jones.  
17 That is, are there not safeguards set up so that the employee  
18 doesn't need to fear vindictiveness, doesn't even need to worry  
19 about the matter being disclosed to the person about whom the  
01:21 20 employee complains?

21 THE WITNESS: I can't really talk about it because of  
22 the knowledge that I have, it's been -- not able to talk about.

23 A. But I have to disagree. I'm so sorry, but I don't agree.

24 BY MS. VORPAHL:

01:21 25 Q. So you just don't agree that 5A of this provision says what

01:21

1 I said it says?

2 A. I'm saying that it's to protect the company.

3 Q. That that's what the confidentiality provision that's the  
4 first paragraph of 5A is designed for? That's what you're  
01:21 5 telling the jury?

6 A. That's what I think it's designed for, yes.

7 Q. All right. Now, once you got ready to go overseas --

8 A. Uh-huh.

9 Q. -- you were given additional materials on the KBR dispute  
01:21 10 resolution process or program, weren't you?

11 A. I was given a binder of stuff.

12 Q. Okay. As either -- as part of that binder -- I actually  
13 thought this was something separate -- you did receive a  
14 brochure called "Options for Employment Resolution," did you  
01:22 15 not?

16 A. I have no idea.

17 Q. All right.

18 MS. VORPAHL: If we could put up Exhibit 139. And if  
19 I could have the paper copy of it, please.

01:22

20 BY MS. VORPAHL:

21 Q. While we're waiting, if you take a look at the screen you  
22 can see a couple of things. First of all, this document came  
23 from your file. Is that correct? Because you can see the JLJ  
24 at the bottom?

01:22

25 A. That's mine. I just know I handed the whole binder over to



01:22

1 my attorney. So I didn't look through it.

2 Q. Okay. And I'm not quarreling with that.

3 MS. VORPAHL: May I approach the witness, your Honor?

4 THE COURT: You may.

01:23

5 BY MS. VORPAHL:

6 Q. Here's a copy of Exhibit -- Joint Exhibit 139.

7 A. Okay.

8 Q. As I said, I believe that this was, like, a three panel  
9 fold-over?

01:23

10 A. Looks like it.

11 Q. Okay. So, I don't think that it would have been in the  
12 binder. But if you think that it was, tell me that.

13 A. Well, the thing is, I put all of the papers, like, in the  
14 binder. So -- and I kept it all in one location. So, I

01:23

15 probably stuck in there, yes.

16 Q. All right. So, you unfolded this and either put it in your  
17 notebook or stuck it in the pocket?

18 A. I probably stuck it in the pocket, yes.

19 Q. All right. So we've established that you received Joint  
20 Exhibit 139?

01:23

21 A. Yes, we established that.

22 Q. All right. And in the middle of the front page, which  
23 would actually be probably the back of something, if we were to  
24 fold this or have it folded correctly. But in the middle of  
25 what is the first page of Exhibit 139, it indicates under where

01:24

01:24 1 it says: Did you knock on the right door? LOGCAP III HQ,  
2 Middle East/Central Asia, and then an address. Is that right?

3 A. Yes.

4 Q. All right. So, you did receive this in connection with  
01:24 5 your overseas employment?

6 A. Yes.

7 Q. All right. If you go to the second page of this brochure  
8 entitled "Options for Employment Resolution," I think you're  
9 going to see that it talks about a total of -- if you look at  
01:24 10 the first and second pages -- four doors you might knock on.

11 The first door is your supervisor. Do you see that?

12 A. Yes.

13 Q. All right. And under that door it says that: If you have  
14 a work-related problem then you should see your supervisor or  
01:25 15 your supervisor's immediate boss. And, in turn, if that person  
16 cannot assist you, keep going to the next person in the chain,  
17 up to the senior manager in your department, until you find  
18 someone who can help you. This is called using the chain of  
19 command. You should be able to obtain the help you need  
01:25 20 through your chain of command the majority of the time.

21 Do you see where it says that?

22 A. Yes.

23 Q. Okay. In Houston, you did not use the chain of command,  
24 did you?

01:25 25 A. I contacted who I believed to be my supervisor.

01:25 1 Q. And that was Frederick Heard?

2 A. Yes.

3 Q. You believed that he was your supervisor?

4 A. In operations.

01:25 5 Q. Well, that -- and that would have been right before you

6 deployed?

7 A. Right.

8 Q. Is that right?

9 Okay. There's no mistake that he was not your

01:26 10 supervisor at earlier times. Is that right?

11 A. Right.

12 Q. Okay. Just right before you left?

13 A. Yes.

14 Q. Okay. Then who was your supervisor's supervisor?

01:26 15 A. I think Stan Young.

16 Q. Did you go to Stan Young?

17 A. Frederick Heard went to Stan Young.

18 Q. Yes, ma'am.

19 Did you go to Stan Young?

01:26 20 A. No, ma'am.

21 Q. And who was Stan Young's supervisor?

22 A. No clue.

23 Q. Okay. So, you did not -- you didn't do what Number 1

24 indicates you should do, or you -- is that right?

01:26 25 A. This I got before I went to Iraq.

01:26

1 Q. That's right.

2 A. We shouldn't talk about Houston in relation to this,  
3 because this was related to Iraq.

01:27

4 Q. Okay. And you didn't understand the chain of command  
5 notion in Houston?

6 A. I got this before I went to Iraq.

7 Q. Yes, ma'am. But my question is a little bit different.

8 Did you understand these procedures when you were  
9 in Houston?

01:27

10 A. I did the best I could.

11 Q. Yes, ma'am. Again, though, that's not my question.

12 My question is: Did you understand sort of the  
13 steps that you might go through if you had a dispute or if you  
14 had a complaint?

01:27

15 A. I did what I could. I did, with my understanding, what I  
16 could do.

17 Q. All right. Well, you certainly never contacted your  
18 supervisor about any sexual harassment in Iraq. We can agree  
19 on that, right?

01:27

20 A. I agree, yes.

21 Q. Or your supervisor's supervisor, or his or her supervisor,  
22 or anywhere up the chain?

23 A. Well, actually, my dad talked to my supervisor about what  
24 happened in Iraq after everything had already happened.

01:27

25 Q. That's right. But --

01:27

1 A. But --

2 Q. All right. And that's the only thing -- that's the only  
3 time somebody talked to your supervisor?

4 A. Right. Because I was in a trailer.

01:28

5 Q. Okay. And human resources, this exhibit, Exhibit 139,  
6 indicates that human resources is where you would go if your  
7 supervisor and the chain of command are unable to resolve your  
8 issue. Do you see that?

9 A. Yes.

01:28

10 Q. All right. And there was nothing in Iraq that you went to  
11 human resources about, was there?

12 A. Human resources came to me to take a statement.

13 Q. All right. The answer to my question is, you didn't go to  
14 human resources to complain about conditions in Iraq, did you?

01:28

15 A. No.

16 Q. All right. Similarly, door three is: Employee relations.  
17 And this brochure says: Employee relations is where you go  
18 after you have gone through your chain of command and human  
19 resources, without resolution, or if your issue is a  
20 particularly sensitive one. This is door Number 3.

01:28

21 You did not go to employee relations in Iraq  
22 about any problem that you were having there, did you?

23 A. No.

24 Q. All right. And the fourth door is the dispute resolution  
25 program. And it says that: The dispute resolution program is

01:29

01:29 1 a confidential and neutral resource for problem resolution  
2 located in Houston, Texas. This resource is typically used  
3 after all of the in-theater resources have been utilized. This  
4 is door Number 4. However, you can always talk confidentially  
01:29 5 with an ombudsman about which resource might be the best one to  
6 approach in your situation, and what to say when you do.

7 Now, it's this fourth door that you're  
8 complaining about. Is that right?

9 A. Yes.

01:29 10 Q. All right. I want to change topics again, and this time I  
11 want to talk about the arbitration provision in your contract.  
12 I would like to show you your employment agreement, which is  
13 Joint Exhibit 38.

14 MS. VORPAHL: If you could keep that also on the  
01:30 15 screen.

16 BY MS. VORPAHL:

17 Q. This is actually two copies of the agreement. I'll just  
18 take the one so we don't confuse people here.

19 MS. VORPAHL: May I approach the witness, your Honor?

01:30 20 THE COURT: Yes, ma'am.

21 BY MS. VORPAHL:

22 Q. Let me show you what has been marked as Joint Exhibit 38.  
23 This is the employment agreement you signed with KBR before you  
24 deployed to Iraq. Is that right?

01:31 25 A. Yes.

01:31 1 Q. All right. Take a look and see if you can agree with me  
2 that it is 13 pages, plus a one page data sheet, that states  
3 what your pay will be.

4 A. Yes.

01:31 5 Q. All right. Did you read this agreement before you signed  
6 it?

7 A. I don't believe so, no.

8 Q. All right. The contract provides -- and I'll direct your  
9 attention to Page 8 of 13. At numbered paragraph 16, that:

01:32 10 You must observe the standards of conduct and other  
11 requirements of the Halliburton Code of Business Conduct in  
12 effect at your date of hire and as updated periodically,  
13 whether or not the law also imposes these standards and  
14 requirements.

01:32 15 Do you see that?

16 A. Yes.

17 Q. All right. On Page 10 of 13 there is -- actually, starting  
18 perhaps on Page -- in that same Paragraph 16, there is a list  
19 of offenses that will -- can and will result in immediate  
01:32 20 termination. Is that right? Or may result in immediate  
21 termination.

22 At the bottom of Page 8 of 13 it reads: Actions  
23 that may require discipline or discharge include but are not  
24 limited to the following.

01:33 25 Do you see that?

01:33

1 A. Yes.

2 Q. All right. And then there are a number of things listed  
3 there. Isn't that right?

4 A. Yes.

01:33

5 Q. One of the things that's listed is sexual harassment, if  
6 you'll take a look at Page 10 of 13.

7 A. Yes.

8 Q. Do you see that?

9 A. Yes.

01:33

10 Q. All right. At the end of the contract, Pages 12 and 13,  
11 are some provisions that KBR felt were important enough that  
12 they wanted to have you initial each provision. Do you see  
13 that?

14 A. Yes.

01:33

15 Q. That starts with Paragraph 26. Is that right?

16 A. Yes.

17 Q. Paragraph 26 is entitled "Claims/Disputes." Is that  
18 correct?

19 A. Yes.

01:34

20 Q. And that's the provision that requires arbitration of  
21 employment claims. Is that accurate?

22 A. I believe so, yes.

23 Q. All right. And it's your testimony that you didn't read  
24 that before you initialed it?

01:34

25 A. We didn't have the time.



01:34 1 Q. Yes, ma'am. My question is a little different.

2 It's your testimony that you did not read that  
3 before you signed it?

4 A. I don't believe so. But I wouldn't have understood it  
01:34 5 anyways. As a 19-year-old, I wouldn't have even known what an  
6 arbitration was.

7 Q. Okay. These other provisions you also initialed. Is that  
8 right?

9 A. Yes.

01:34 10 Q. Did you read them?

11 A. We just didn't have very much time to do this, so I doubt  
12 it.

13 Q. There's one there where you acknowledge and agree that  
14 you're going to abide by the Code of Business Conduct. Is that  
01:35 15 right?

16 A. Yes.

17 Q. Okay. So, is it your sworn testimony that you had no idea  
18 after you signed this agreement that you would ever agree to  
19 arbitration with Halliburton or KBR?

01:35 20 A. No idea whatsoever.

21 Q. Okay. Let's take a look at Exhibit 115. This is Joint  
22 Exhibit 115.

23 MS. VORPAHL: May I approach the witness, your Honor?

24 THE COURT: You may.

01:36 25 BY MS. VORPAHL:

01:36 1 Q. I'm handing you what has been marked as Exhibit -- Joint  
2 Exhibit 115. It's a 4-page document. And it really consists  
3 of two documents. Would you like a minute to look at it?

4 A. These are what I signed to work in Houston?

01:36 5 Q. I'll ask some questions in a minute.

6 A. Okay.

7 Q. But if you would like to look at it, I'm happy for you to  
8 do that.

9 A. Okay. You can tell me, because I don't know what I am  
01:36 10 looking at.

11 Q. Well, do you know if that's your signature --

12 A. Yes.

13 Q. -- on Page 1 of Joint Exhibit 115?

14 A. Yes.

01:36 15 Q. All right. And that agreement says: In consideration of  
16 my employment, I agree that my assignment, job or compensation  
17 can be terminated with or without cause, with or without notice  
18 at any time at the option of the company or myself. I also  
19 agree that I will be bound by and accept as a condition of  
01:37 20 employment the terms of the Halliburton dispute resolution  
21 program which are herein incorporated by reference.

22 Have I read that right so far?

23 A. Yes.

24 Q. All right. Then we have all caps: I understand that the  
01:37 25 dispute resolution program requires, as its last step, that any

01:37 1 and all claims that I might have against the company related to  
2 my employment, including my termination, and any and all  
3 personal injury claims arising in the workplace, I have against  
4 any other parent or affiliate of the company, be submitted to  
01:37 5 binding arbitration instead of to the court system.

6 And then we're back to capital letters and lower  
7 case.

8 I also agree that any employment contract or  
9 other agreement which is inconsistent with the provisions of  
01:38 10 this notice or dispute resolution program is absolutely void  
11 unless it is entered into in writing by the chief executive  
12 officer.

13 What follows that is a confidentiality provision  
14 with regard to the company's trade secrets. Is that right?

01:38 15 A. Appears that way, yes.

16 Q. Okay. And then there's an acknowledgment.

17 Now, I'm going to represent to you that you  
18 signed this at the commencement of your employment. You've  
19 agreed with me this is your signature. Is that right?

01:38 20 A. Yes.

21 Is this employment to Houston?

22 Q. This is at the commencement of your employment in Houston.

23 A. Okay.

24 Q. And you can tell that -- this is -- remember you were first  
01:38 25 a contract employee or a contractor, and then you became a

01:38

1 full-time employee.

2 A. Yes.

3 Q. And that was in July of 2004 that you became a full-time  
4 employee, right?

01:39

5 A. Probably.

6 Q. All right. Well, I'm going to represent to you that you  
7 signed this in connection with your becoming a full-time  
8 employee on July 29th of 2004, as the page behind it indicates.

9 A. Okay.

01:39

10 Q. Do you have any reason to take issue with that?

11 A. No.

12 Q. All right. Did you read this when you signed it?

13 A. Even if I did, I would not know that arbitration was  
14 pre-dispute, binding, mandatory, and with no way for an appeal.

01:39

15 Q. Okay. But my question was: Did you read this before you  
16 signed it?

17 A. I don't know, as I'm sitting here today. But I was 19 and  
18 have no idea.

19 Q. Take a look at the third page of this same exhibit,  
20 Exhibit 115. Do you see that?

01:39

21 A. Okay. Yes. Sorry.

22 Q. All right.

23 A. Trying to stay up with you.

24 Q. Again, behind Exhibit -- Page 3 of Exhibit 115 is another  
25 personnel action notice. And this --

01:40

01:40

1 A. Okay.

2 Q. -- indicates another -- and the third page is basically the  
3 same arbitration provision as I read as the first page of  
4 Exhibit 115.

01:40

5 A. Yes, it is.

6 Q. And this is your signature on this second arbitration  
7 agreement, right?

8 A. It is.

9 Q. All right. And you are still employed in Houston at this  
10 time?

01:40

11 A. Okay.

12 Q. All right. So, you signed not one, but two arbitration  
13 agreements while you were employed with KBR in Houston?

14 A. Looks like it, yes.

01:41

15 Q. All right. You don't dispute that?

16 A. No.

17 Q. Now, since this lawsuit was filed, you've signed an  
18 arbitration provision with at least one of your doctors. Isn't  
19 that right?

01:41

20 A. To get an ultrasound.

21 Q. Okay. Let me show you what has been marked as KBR  
22 Exhibit 25 and see if you recognize it.

23 First of all, who is Deborah Young, MD?

24 A. Psychologist.

01:41

25 Q. Okay. She didn't give you an ultrasound, right?

01:41 1 A. I just remembered an arbitration I had to sign to get an  
2 ultrasound once.

3 Q. And you went ahead and signed that?

4 A. Yes.

01:42 5 Q. All right.

6 A. And he did the ultrasound.

7 MS. VORPAHL: May I approach the witness, your Honor?

8 THE COURT: Yes, you may.

9 BY MS. VORPAHL:

01:42 10 Q. Let me hand you what has been marked as KBR Exhibit 25 and  
11 ask you if you recognize that document.

12 A. Yes.

13 Q. Is that your signature at the bottom of the first page of  
14 Exhibit -- KBR Exhibit 25?

01:42 15 A. Yes.

16 Q. Is that your signature at the bottom of the second page of  
17 KBR Exhibit 25?

18 A. Yes.

19 MS. VORPAHL: Your Honor, I move admission of KBR  
01:42 20 Exhibit 25.

21 MR. KELLY: No objection.

22 THE COURT: Admitted without objection.

23 MS. VORPAHL: If we could put --

24 BY MS. VORPAHL:

01:43 25 Q. Deborah Young was a psychologist that you saw in

01:43

1 California?

2 A. Yes, she was.

3 Q. All right. And how long did you see her?

4 A. I don't know.

01:43

5 Q. Don't have any idea?

6 A. A year maybe, or longer.

7 Q. Okay. On August the 9th of 2007, you signed an agreement  
8 with Dr. Deborah Young?

9 MS. VORPAHL: If you'll go to the second page, please.

01:43

10 BY MS. VORPAHL:

11 Q. Well, you actually do, even on the first page, indicate  
12 that you've read and understand what she says about health  
13 insurance, right? That's the first page?

14 A. Yes.

01:43

15 Q. All right. And then the second page of this exhibit, KBR  
16 Exhibit 25, is a document entitled "Physician-Patient  
17 Arbitration Agreement." Is that right?

18 A. Yes.

19 Q. Article 1 is "Agreement to arbitrate."

01:44

20 And that Article 1 provision says that: It's  
21 understood that any dispute as to medical malpractice -- and it  
22 goes on to describe it -- is going to be submitted to binding  
23 arbitration.

24 Is that right?

01:44

25 A. Yes.

01:44 1 Q. Article 2 is entitled "All claims must be arbitrated." Is  
2 that right?

3 A. Yes.

4 Q. And it provides pretty much what it says, that all claims  
01:44 5 will be subject to mandatory arbitration. Is that correct?

6 A. Yes.

7 Q. All right. The other articles set forth the procedures and  
8 applicable law for the arbitration that you agreed to, correct?

9 A. Yes.

01:44 10 Q. All right. Is it still your sworn testimony that  
11 notwithstanding your signing of three arbitration agreements  
12 with KBR, that you did not understand that you would be  
13 required to arbitrate your claims?

14 A. I didn't understand what arbitration was until I filed this  
01:45 15 lawsuit.

16 Q. Is there anything in any of the documents that we've looked  
17 at that you're able to point to that says that KBR's  
18 arbitration is secret?

19 A. Do you have the whole arbitration provision from your  
01:46 20 arbitrator?

21 Q. The one that you referred us to earlier in your direct  
22 examination?

23 A. I would have to read it. If you let me read all of them, I  
24 can maybe point it out.

01:46 25 Q. Okay. You think maybe you know where there is a provision



01:46 1 that says that KBR's arbitration is secret?

2 A. I know that it's secret because of other people that I'm  
3 not supposed --

4 MS. VORPAHL: Your Honor, I object to the hearsay.

01:46 5 MR. KELLY: Your Honor, she opened the door.

6 THE COURT: Well, just respond to the question as  
7 posed. And that question was: Do you know where there is a  
8 provision that says KBR's arbitration is secret?

9 THE WITNESS: There's got to be one. Do you want me  
01:46 10 to find it?

11 THE COURT: Well, we'll let you look at the next  
12 break. But let's move on to another point.

13 THE WITNESS: Okay.

14 MS. VORPAHL: Thank you.

01:46 15 BY MS. VORPAHL:

16 Q. I want to ask you some questions about your work for -- on  
17 behalf of KBR Houston at the Greenspoint Conference Center.  
18 Okay? Are you -- you know what I'm talking about --

19 A. Yes.

01:47 20 Q. -- that period of time?

21 How long was that that you worked at the  
22 Greenspoint Conference Center?

23 A. I don't know.

24 Q. Don't have any idea?

01:47 25 A. Several months.

01:47

1 Q. Okay.

2 A. Probably August to March.

3 Q. August to March?

4 A. That's my best guess, yes.

01:47

5 Q. All right. Now, you told the jury that when you worked at  
6 the Greenspoint Conference Center, you drove in Eric Iler's  
7 car. Is that right?

8 A. Usually did, yes.

9 Q. You usually did?

01:48

10 A. Yes.

11 Q. And you went up there about one time a week?

12 A. Every Monday.

13 Q. Every Monday. Now, at that time, you were living in  
14 Spring. Isn't that correct?

01:48

15 A. Yes.

16 Q. Now, from where you lived, it was a good bit closer to  
17 drive straight to your work at Greenspoint than to come all the  
18 way to Clinton Drive east of downtown, and then drive back up  
19 there. Isn't that right?

01:48

20 A. We had to drive back to the office because we were done at  
21 Greenspoint by 2:00. And the office day didn't end at 2:00.  
22 It ended at 5:00 or later.

23 Q. So, it's your testimony that you could not drive your own  
24 vehicle to the Greenspoint Conference Center and then come to  
01:48 25 the office, which would have saved you many miles. Isn't that

01:48 1 right?

2 A. We had to drive from Clinton Drive to Greenspoint. We  
3 stayed there a few hours; and at 2:00 o'clock, everything was  
4 done at the Greenspoint Mall. Then we had to drive back to  
01:49 5 Clinton Drive and resume our workday.

6 Q. I believe that you testified in response to some questions  
7 by Mr. McKinney that in the fall of 2004, you bought a Jaguar  
8 automobile. Is that right?

9 A. Yes.

01:49 10 Q. Do you know how much you paid for it? It was a brand-new  
11 car, wasn't it?

12 A. 27,000.

13 Q. Okay. And how did you finance that?

14 A. My family always went through a -- the exact same financial  
01:50 15 credit union that's out of Indiana where my parents grew up.  
16 And they gave me a great interest rate and a good payment plan.

17 Q. And that was in November of 2004. Isn't that right?

18 A. I don't know the date.

19 Q. Well, I'll represent to you that the license was registered  
01:50 20 November the 10th of 2004. Does that sound about right?

21 A. Seems like I may have bought it in October, though.

22 Q. All right. Then either later that same month or the next  
23 month was when you had the breast augmentation surgery. Is  
24 that right?

01:50 25 A. I bought the car at least a month or two before the

01:50

1 augmentation.

2 Q. Okay. How much did you pay for the breast augmentation  
3 surgery?

4 A. I took out a loan for \$5,000.

01:50

5 Q. And the surgery was \$4802. Is that right?

6 A. I believe you, yes.

7 Q. I'll be happy to show you the record.

8 A. Don't need to.

9 Q. Does that sound about right?

01:51

10 A. That's about right.

11 Q. I believe Mr. McKinney also asked you whether you, in fact,  
12 drove to Liberty, Texas, to Eric Iler's house a number of  
13 times; and you said yes. Is that right?

14 A. Yes.

01:51

15 Q. You drove to his house a dozen times or more, correct?

16 A. Probably.

17 Q. Over a period of several months?

18 A. Yes.

19 Q. But you can't remember what those months are?

01:51

20 A. Probably November, December, January, February, March.

21 Q. Do you recall that I asked you that question in your  
22 deposition and you said you couldn't recall when it was?

23 A. Yeah. I'm just doing the best I can.

24 Q. All right. So, now you're going to say you think it was  
25 November, December, January, February, March?

01:52

01:52

1 A. That's just an estimate, but --

2 Q. So it was during the period that you got breast  
3 augmentation, too, that you were driving to Liberty to visit  
4 Eric Iler?

01:52

5 A. Yes.

6 Q. Do you recall that you talked about Eric Iler's office?

7 A. Yes.

8 Q. You said you had to walk through Eric Iler's office to get  
9 to your office?

01:53

10 A. Yes.

11 Q. Or to your cubicle?

12 A. Yes.

13 Q. And there were a number of other cubicles in the same area  
14 with yours?

01:53

15 A. Yes.

16 Q. All right. And there were others who worked in those  
17 cubicles, with you?

18 A. Yes.

19 Q. And all of those people had to walk through Eric Iler's  
20 office to get to their cubicles?

01:53

21 A. Yes.

22 Q. If Eric Iler closed his doors, no one could get to their  
23 cubicles.

24 A. I don't think so. That's how I remember it.

01:53

25 Q. You lost your cell phone in late December of 2004. Isn't

01:54

1 that right?

2 A. I saw that.

3 Q. You don't remember that you lost your cell phone and your  
4 mother helped you find it?

01:54

5 A. I've lost my cell phone so many times. I wouldn't even  
6 know where it is right now.

7 Q. I want to show you what has been marked as KBR Exhibit 8?

8 A. Okay.

9 MS. VORPAHL: May I approach?

01:54

10 THE COURT: You may.

11 BY MS. VORPAHL:

12 Q. Ms. Jones, I've handed you what has been marked as KBR  
13 Exhibit 8, and would ask you to take a look at that series of  
14 e-mails and see if you recognize them.

01:55

15 A. (Complies). I recognize all the e-mails from the last  
16 deposition.

17 Q. All right. You didn't recognize them at the deposition, so  
18 you just recognize them because you saw them at your  
19 deposition?

01:55

20 A. Correct.

21 Q. All right. You don't have any independent recollection of  
22 these e-mails, is what you're saying?

23 A. Not really. But it wasn't -- the contents aren't  
24 memorable.

01:56

25 Q. Okay. You had lost your cell phone, and you exchanged a

01:56 1 series of e-mails with your mother about trying to locate it or  
2 perhaps trying to get a new cell phone. Is that right?

3 A. In these e-mails, yes.

4 Q. All right. And I'm not going to read every one of them.

01:56 5 But your mother is trying to help you remember where it might  
6 have been. Let's take a look --

7 A. Right.

8 MS. VORPAHL: I'll move for admission of KBR Exhibit  
9 Number 8.

01:56 10 MR. KELLY: No objection, your Honor.

11 THE COURT: Admitted without objection.

12 BY MS. VORPAHL:

13 Q. If we take a look at the first page of this exhibit, which  
14 is actually late into the exhibit, because e-mails -- the  
01:56 15 e-mails read from the back to the front, right?

16 A. Normally they do. So, probably, yes.

17 Q. Yes, they do?

18 A. Yes.

19 Q. Okay. Okay. So take a look at the first page. This is  
01:56 20 part of the conversation you're having with your mother?

21 A. All right.

22 Q. But you write to her at 1:24: I was in Eric's car, and it  
23 isn't in there. I know for sure it fell out of my pocket at  
24 Academy.

01:57 25 And your mother responds a few minutes later:

01:57

1 So, what does Eric say to do?

2 And then you come back and say what you've done,  
3 right?

4 A. That I called Whataburger, yeah.

01:57

5 Q. All right. So your mother is aware of Eric Iler as of  
6 December 28th of 2004?

7 A. Yes.

8 Q. And she's, in fact, been with you to the doctor in October  
9 of that year where you have asked for screening for STDs,

01:57

10 and -- and you've told her that Eric Iler is the source of  
11 those?

12 A. Yes.

13 Q. And she still says: So what does Eric say to do?

14 A. About the cell phone, yes.

01:57

15 Q. Right. Okay.

16 And in January of 2005 is when we see the e-mails  
17 where your mother says, among other things, that you are the  
18 chosen one, that Eric has chosen you. Is that right?

19 A. Yes.

01:58

20 Q. All right. Before you left Houston, you received a good  
21 bit of information about working overseas with KBR. Is that  
22 right?

23 A. Yes.

24 Q. And, in fact, you received an orientation binder, correct?

01:58

25 A. Yes.



01:58 1 Q. Okay. And you received some other materials separate from  
2 that binder. Is that right?

3 A. The pamphlets?

4 Q. Well, even before you went to Greenspoint to commence the  
01:59 5 deployment process, Justin Lee had sent you some important  
6 onboarding information. Isn't that right?

7 A. I don't remember that.

8 Q. All right.

9 A. Can you --

01:59 10 Q. I'll show you an exhibit and we'll take a look at it  
11 together.

12 MS. VORPAHL: I need Joint Exhibit 16.

13 THE WITNESS: I remember now, yes.

14 BY MS. VORPAHL:

01:59 15 Q. All right. Well, we'll get you a copy of it so that you  
16 can follow along up there.

17 MS. VORPAHL: May I approach the witness?

18 THE COURT: Yes, you may.

19 BY MS. VORPAHL:

02:00 20 Q. Ms. Jones, I'm going to put in front of you what has been  
21 marked as Joint Exhibit 16 and ask you to take a look at that  
22 with us on the screen. You can look at the paper copy.

23 Who was Justin Lee?

24 A. A recruiter.

02:00 25 Q. All right. And he sends you an e-mail on Friday, June the

02:00 1 10th of 2005 where he says: Ms. Jones, congratulations on your  
2 decision to join the LOGCAP III project supporting the military  
3 in the Middle East. You will be assigned to a site in the  
4 Middle East. Attached you will find the -- it's a typo -- all  
02:00 5 of the necessary paperwork and information. Please read each  
6 document carefully and respond accordingly.

7 You see that part is underlined?

8 A. Yes.

9 Q. Then it goes on to say: When you're going to begin  
02:00 10 processing and if you have any questions what to do.

11 Did I read that right?

12 A. Yes, you did.

13 Q. All right. And there are a bunch of attachments to this  
14 e-mail, you can see from the cover e-mail, right?

02:01 15 A. Yes.

16 Q. All right. The first attachment is an attachment that  
17 describes a condition called leishmaniasis. Is that right?

18 A. Yes.

19 Q. Did you read this carefully?

02:01 20 A. Probably.

21 Q. All right. Leishmaniasis, it says, is a parasitic disease  
22 spread by the bite of an infected sand -- or infected sand  
23 flies. Is that right?

24 A. That's what it says, yes.

02:01 25 Q. Okay. And it describes what can happen to you if you are

0 2 : 0 1 1 bitten by an infected sand fly, and how you'll become sick and  
2 how quickly you'll become sick, right?  
3 A. Yes.  
4 Q. All right. The next attachment at KBR E01216 is background  
0 2 : 0 2 5 application guidelines. Is that right?  
6 A. Yes.  
7 Q. And this is for a background check. Is that right?  
8 A. Yes.  
9 Q. All right. And it shows you, on Page KBR E01218, an  
0 2 : 0 2 10 example application that you will have to complete in order to  
11 have a background check.  
12 A. Yes.  
13 Q. And it -- and in the narrative that is previous to that, it  
14 explains how you might respond to different questions. Is that  
0 2 : 0 2 15 accurate?  
16 A. Yes.  
17 Q. And then behind those three pages that is the example  
18 application -- excuse me, maybe four pages -- there is an  
19 applicant personal information supplement and it says: You  
0 2 : 0 3 20 must bring this application with you to Houston.  
21 Which I believe is a reference to really, you  
22 must bring this application with you to Greenspoint. Because a  
23 lot of people were coming from out of Houston. Is that right?  
24 A. That makes sense, yes.  
0 2 : 0 3 25 Q. All right. So did you complete this application?

02:03

1 A. I'm sure I did.

2 Q. All right. The next page is a candidate acknowledgment

3 form. And again, it asks that you complete and return this

4 form within 48 hours of receipt via fax. And it asks you to

02:03

5 verify certain things by placing your initials to the left of

6 the statement. Do you see that?

7 A. Yes.

8 Q. And did you do that?

9 A. I'm sure I did, yes.

02:04

10 Q. The next set of documents -- or the next set of pages --

11 it's three pages -- is suggestions on proper dress code for the

12 project. Is that right?

13 A. Yes.

14 Q. Then there is an itinerary that is several pages long for

02:04

15 the actual training.

16 A. Trying to catch up.

17 Q. Oh, please take your time.

18 A. Sorry. Okay. Yes.

19 Q. And then there's a map of the Greenspoint Event Center at

02:04

20 KBR E01236.

21 A. Yes.

22 Q. There's a facial hair disclosure that probably was not of

23 too much concern to you.

24 Then there are -- then there are -- there is a

02:04

25 page that indicates that there were certain applications

02:05

1 attached to that page. There's information --

2 A. I'm lost. Wait. Where are you at?

3 Q. I'm sorry. That was E01238.

4 A. Okay. I'm with you.

02:05

5 Q. All right. Then there's a page entitled, "Do you want to  
6 get paid?" And it suggests to you the information that they  
7 will need in order to do wire transfer -- whatever I'm trying  
8 to say. Like automatic deposit?

9 A. Automatic deposit? Yes.

02:05

10 Q. Yes. The next attachment would not apply to you, I don't  
11 believe, because it applied to people who were current or  
12 former government employees, correct?

13 A. Yes.

14 Q. The next several pages?

02:05

15 A. Yes.

16 Q. Then there's insurance information, if you want life,  
17 accidental death and dismemberment or medical insurance?

18 A. Yes.

19 Q. And finally, there is a suggested packing list of things  
20 that you should bring with you, right?

02:06

21 A. Yes.

22 Q. All right. And you received that on June the 10th. Is  
23 that accurate?

24 A. Probably.

02:06

25 Q. Well, the e-mail indicates that you did.

02:06

1 A. You're right, yes.

2 Q. Okay. Now, once you got to Greenspoint, was that when you  
3 got the binder?

4 A. I think so, yes.

02:06

5 Q. Okay. Let's take a look at those binders, then.

6 Okay. This is a lot of paper. I want to start  
7 out, first of all, with Exhibit 140.

8 MS. VORPAHL: May I approach the witness, your Honor?

9 THE COURT: You may.

02:07

10 BY MS. VORPAHL:

11 Q. This is Joint Exhibit 140. Tell me, if you can -- you see  
12 that that came from your file?

13 A. It did.

14 Q. Okay. And you see that it says JLJ and it's got numbers  
15 down at the bottom. And that's how we know that came from your  
16 file, right?

02:07

17 A. Correct.

18 Q. I'm perplexed about something, though. If you look back --  
19 and I'll try to give you some page numbers. There are 2006  
20 documents in this copy. Are you able to explain to me why  
21 there are documents from 2006 in this copy that you provided?

02:07

22 A. I have no idea.

23 MR. KELLY: Your Honor, I think it mischaracterizes.

24 Her attorneys provided it. It doesn't mean it came from

02:08

25 Ms. Jones' hand. Just because it has a Jones Bates stamp

02:08 1 number on the bottom of it does not mean that it came from this  
2 witness.

3 BY MS. VORPAHL:

4 Q. Do you know where --

02:08 5 THE COURT: Just a second.

6 Ladies and gentlemen, during any civil proceeding  
7 there is a lengthy process that lawyers refer to as discovery.  
8 It provides the opportunity for each side to ask questions in  
9 writing of the other and each side to request documents of each  
02:08 10 other. It is often spoken of as the plaintiff and the  
11 defendant producing documents, the plaintiff and the defendant  
12 answering questions.

13 What Mr. Kelly says is true. That is normally  
14 handled almost entirely, perhaps exclusively, by the lawyers.  
02:08 15 But the shorthand that Ms. Vorpahl has used is not unusual.  
16 It's the shorthand that lawyers always use.

17 Does everybody understand what I am saying?

18 Okay.

19 BY MS. VORPAHL:

02:09 20 Q. Ms. Jones, what I am trying to figure out is whether this  
21 is your orientation manual or if this is someone else's  
22 orientation manual or if you just don't know the answer.

23 I'm going to try to give you some page numbers  
24 where you could look to find the references that I'm talking  
02:09 25 about. If you'll take a look at the document JLJ 00467.

02:09 1 A. This would not be mine.  
2 Q. Pardon?  
3 A. This wouldn't be mine.  
4 Q. Okay. It's dated January 1, 2006, right?  
02:09 5 A. Yes, ma'am, it is.  
6 Q. So, that couldn't possibly be yours, could it?  
7 A. No.  
8 Q. All right. And if you'll look at JLJ00535.  
9 A. Okay. Sorry.  
02:10 10 Q. That's another one that's dated January 9th, 2006. Is that  
11 right?  
12 A. Correct.  
13 Q. I'm not going to take up a lot of time going through this,  
14 but I think we can agree this is not your orientation manual.  
02:10 15 Is that right?  
16 A. I agree.  
17 Q. All right. I'm going to hand you now what's been marked as  
18 KBR 125 -- and this is a joint exhibit -- and ask you -- and  
19 that was produced by KBR in this case. And I'm going to ask  
02:11 20 you if that looks like your orientation handbook.  
21 A. This might take a minute. Sorry.  
22 Q. Oh, that's fine.  
23 A. Trying to figure it out.  
24 There's someone's medical records in this.  
02:12 25 Q. I think this was actually part of the handbook. It's an



02:12 1 exemplar.

2 A. Okay. Oh, for leishmaniasis?

3 Okay. There's some things in here I recognize  
4 and some things that I don't.

02:13 5 BY MS. VORPAHL:

6 Q. Is that surprising to you, that you don't recognize  
7 everything?

8 A. No.

9 Q. Okay.

02:13 10 A. But I know with absolute certainty on some of them.

11 Q. And we certainly know that Exhibit 140 isn't your handbook,  
12 right?

13 A. Right.

14 Q. All right. Well, let me ask you this. Before we -- your  
02:13 15 contract isn't part of this orientation handbook, is it?

16 A. No.

17 Q. No. Your contract was provided to you separately?

18 A. It's a separate contract.

19 Q. Right. And it was a separate package. It was a separate  
02:14 20 document from this orientation package, right?

21 A. Yes.

22 Q. During the orientation process, you attended a number of  
23 different lectures and presentations. Isn't that right?

24 A. Yes.

02:14 25 Q. And you learned about the body armor that you would be

02:14 1 required to sometimes wear when you were overseas, right?

2 A. Yes.

3 Q. And you learned how to put it on. Is that right?

4 A. HazMat gear, yes.

02:14 5 Q. All right.

6 A. But I don't know about the body armor. I don't think so.

7 Q. All right. You learned that after you got to Iraq?

8 A. Yes.

9 Q. You learned when you would be required to wear the HazMat

02:14 10 gear and the body armor. Isn't that right?

11 A. Yes.

12 Q. You learned that you might be fired on by enemy fire?

13 A. Yes.

14 Q. You learned what to do if you were fired on by enemy fire?

02:15 15 A. I don't know.

16 Q. You don't think they told you what to do when you were  
17 fired on by enemy fire?

18 A. I don't remember.

19 Q. Okay. You were reminded over and over that you were going  
02:15 20 to be in a war zone?

21 A. Yes.

22 Q. That you would work, eat, and sleep in close quarters -- my  
23 goodness -- excuse me.

24 You learned that you would work, eat, and sleep  
02:15 25 in close quarters with your fellow employees?

02:15 1 A. I was also told that females and males would be segregated  
2 in all living situations.

3 Q. You learned that you could even be subject to viral  
4 warfare. Isn't that right?

02:15 5 A. Yes.

6 Q. You learned that conditions would be very far from ideal?

7 A. It's in a war zone, yes.

8 Q. You learned that it would be hot?

9 A. Yes.

02:15 10 Q. You learned that it would be dusty?

11 A. Yes.

12 Q. You learned that there would be sand flying?

13 A. Yes.

14 Q. You learned that leishmaniasis was a possibility?

02:16 15 A. Yes.

16 Q. They gave you a special memo on that not once, but I think  
17 even twice, because I think it's even in the LOGCAP  
18 orientation. Isn't that right?

19 A. Looks like it, yes.

02:16 20 Q. You learned that you might be housed in a tent, in  
21 barracks, or in a hooch or container or containerized housing  
22 unit. Isn't that right?

23 A. I learned that. But I was also told that females and males  
24 would be separated in all living conditions.

02:16 25 Q. You learned that you would work 10 to 12 hours a day seven

0 2 : 1 6 1 days a week except for R and R every few months. Is that  
2 right?

3 A. Right.

4 Q. That it would be mostly about work for the next year?

0 2 : 1 6 5 A. Yes.

6 Q. You were told that some people changed their mind during  
7 the training, weren't you?

8 A. Changed their mind?

9 Q. And decided not to go because of what they hear.

0 2 : 1 6 10 A. I don't remember anyone changing their mind.

11 Q. You don't remember a presentation where people said: It's  
12 better to change your mind now than to get there and decide  
13 that this was the wrong thing for you. It's going to be very  
14 difficult for you.

0 2 : 1 7 15 A. I think so, now that you said that, yes.

16 Q. Okay. You learned that it was okay if you had to change  
17 your mind, and that it was better than getting there. Is that  
18 right?

19 A. Yes.

0 2 : 1 7 20 Q. All right. You were told that some people don't make it a  
21 year?

22 A. Yes.

23 Q. And you were told that this wasn't just a job for any  
24 person. Is that correct?

0 2 : 1 7 25 A. I don't remember.

02:17 1 Q. Okay. It wasn't just a job that anybody could do?

2 A. I don't think they said it like that.

3 Q. Okay. You don't think they said it quite like that.

4 Okay. There are sections in the binder on  
02:17 5 smallpox vaccination that was required and the dangers and  
6 hazards of that. Is that right?

7 A. Yes, I remember that.

8 Q. You talked about spiders that they told you about. What  
9 did they tell you about those?

02:17 10 A. The camel spiders. I just remember the pictures because  
11 they were really big.

12 Q. And that was in a presentation?

13 A. Yes.

14 Q. All right. You learned about the possibility of deep vein  
02:18 15 thrombosis on your trip over or back because of being in an  
16 airplane for a long time?

17 A. I don't know what that is.

18 Q. Okay. Take a look at the orientation manual, if you will.

19 A. Okay.

02:18 20 Q. Let me see if I can tell you where it is.

21 Look at JLJ0- -- oh, I've given you the wrong  
22 number here.

23 You know, so that we can keep this moving along,  
24 I'll try to find that. I actually found that in your  
02:18 25 orientation manual, which we've established wasn't your

02:18 1 orientation manual. So, it could be that either deep vein  
2 thrombosis isn't in here or I'll have to look for it because I  
3 don't have a good reference to it right now.

4 A. Okay.

02:18 5 Q. There was a section on drinking and drug use where the  
6 company said it had a zero tolerance policy as to those things  
7 except where drinking was allowed as an exception to General  
8 Order Number 1?

9 A. Which was where I was located.

02:19 10 Q. That's right. Exactly. But --

11 A. Yes.

12 Q. -- otherwise, the company taught you during your  
13 orientation that there was a zero tolerance program unless  
14 there was an exception to General Order Number 1?

02:19 15 A. Probably.

16 Q. Okay. And Camp Hope did have that exception?

17 A. Camp Hope did have it, yes.

18 Q. There's a copy of General Order Number 1 in here that  
19 explains the prohibitions that typically apply. Is that right?

02:19 20 A. I don't remember.

21 Q. Okay. There's a full text of Halliburton's various  
22 policies, its conflict of interest policy and its sexual  
23 harassment policy. Isn't that right?

24 A. Probably.

02:19 25 Q. All right. And you received training sessions on those

02:20 1 items, specifically on KBR's sexual harassment policy. Isn't  
2 that right?

3 A. A one-hour training, yes.

4 Q. Now, the exception to General Order Number 1 that  
02:20 5 prohibited drugs and alcohol, among other things, was an  
6 exception just for alcohol. Isn't that right?

7 A. I have never read it.

8 Q. Okay. And you didn't learn that while you were at the  
9 training?

02:20 10 A. I don't know.

11 Q. Okay. You didn't learn that KBR has a zero tolerance  
12 program or a zero tolerance policy as to unlawful drugs?

13 A. I'm sure that they do.

14 Q. Do you remember that presentation?

02:21 15 A. I just -- I don't remember -- I saw a presentation  
16 produced.

17 Q. I believe your lawyer asked you about the drug policy, but  
18 I could be wrong.

19 A. I think he did, yes.

02:21 20 Q. All right. And so, you do recall that policy?

21 A. It was produced by you, so --

22 Q. Well, I don't remember as I sit here who it was produced  
23 by -- or as I stand here.

24 A. Okay.

02:21 25 Q. But I believe your lawyer previously asked you about that.

02:21

1 Do you remember that?

2 A. I do.

3 Q. All right. So, you do understand that KBR had a zero  
4 tolerance policy regarding drugs overseas?

02:21

5 A. I understand that, yeah.

6 Q. All right. You actually took your copy of the itinerary  
7 and marked some notes on it, didn't you?

8 A. I think I did.

9 Q. All right. Could I have, please, Exhibit 30? It's Joint  
10 Exhibit 30.

02:22

11 MS. VORPAHL: May I approach the witness, your Honor?

12 THE COURT: Yes, you may.

13 THE WITNESS: This might be a little out of order.  
14 Sorry about that.

02:22

15 BY MS. VORPAHL:

16 Q. We can -- I'll put it back together at a break.

17 A. Okay.

18 Q. I've handed you what has been marked as Exhibit 30 -- Joint  
19 Exhibit 30. This is your handwriting on your copy of the  
20 itinerary. Isn't that right?

02:22

21 A. I don't know. This is produced by us. This may be  
22 somebody else's. It doesn't -- it doesn't matter either way,  
23 but it doesn't exactly look like my handwriting.

24 Q. Okay. So you don't think this is your handwriting, even  
25 though you're right, it was produced by your side, your lawyer?

02:22



0 2 : 2 3 1 A. Right. Just doesn't look like the rest of my handwriting.  
2 But I'm not going to exclude the possibility either.

3 Q. Okay. That's fine. Well, let's take a look at -- you did  
4 receive an itinerary like that from Justin Leigh on June the  
0 2 : 2 3 5 10th. Isn't that right?

6 A. Oh, I have no doubt about that I had an itinerary like  
7 this, yes.

8 Q. Okay. That's fine.

9 I want to ask you about some of the presentations  
0 2 : 2 3 10 that you saw while you were at the Greenspoint facility. First  
11 of all, do you recall the "welcome" presentation? Do you  
12 recall the first presentation that you might have seen?

13 MS. VORPAHL: This is Joint Exhibit 129.

14 THE WITNESS: It's been six years ago, but I did sit  
0 2 : 2 4 15 through these -- I remember memorable things like --

16 MS. VORPAHL: May I approach the witness, your Honor?

17 THE COURT: Yes.

18 BY MS. VORPAHL:

19 Q. Let me show you what has been marked as Exhibit 129 --

0 2 : 2 4 20 A. Okay.

21 Q. -- and ask you if you recognize that as the candidate  
22 welcome briefing.

23 A. Do you know who gave the presentation?

24 Q. I don't know, as I'm standing here, who gave the  
0 2 : 2 4 25 presentation, though we may be able to figure it out by looking

02:24

1 at your itinerary, if that's important.

2 A. It might be.

3 Q. Do you recall this presentation?

4 A. These names don't look familiar, other than Caesar. I

02:25

5 remember the Wyndham staff; they made the food. So, let's see.

6 Q. When you get to the fifth page of the exhibit, if you would  
7 let me know, I would appreciate it.

8 A. Are they marked with page numbers?

9 Q. Well, it would be the page marked KBR 001547.

02:26

10 A. Okay.

11 Q. Are you there?

12 A. Yes.

13 Q. Do you remember a presentation where you were told that  
14 there had been 68 KBR casualties to date, and that you would be  
15 in constant danger, and the job was not for everyone?

02:26

16 A. I knew the dangers of insurgency.

17 Q. And do you see there it says that the high temperature is  
18 121 degrees Fahrenheit, the low is 98 degrees Fahrenheit, and  
19 then it says tents with eight to 10 people?

02:26

20 A. I see that here, yes.

21 Q. Okay. The next page is a picture of tent life. There's a  
22 section further in --

23 A. I can't tell what's in this picture.

24 Q. Okay. Do you recall seeing this training?

02:27

25 A. I mean, I did have a welcome presentation; but I don't know

1 if this is the exact one or not. It's been six years.

2 MS. VORPAHL: Your Honor, I'll --

3 THE WITNESS: We did talk about tent life and how,  
4 like, the rooms were separated and how females and males would  
5 be separated and that it was a possibility.

6 BY MS. VORPAHL:

7 Q. That you would be housed in a tent?

8 A. With women.

9 Q. Or that you would be housed in a barrack?

10 A. With women, yes.

11 Q. With women roommates, right?

12 A. With women barracks.

13 Q. Now, who told you that?

14 A. That was my understanding, when they said that females and  
15 males would be separated in all housing conditions.

16 Q. It was your understanding from that, that that meant that  
17 however big a housing unit was, there would only be one gender  
18 in it?

19 A. I mean, that's what I would understand, yes.

20 Q. So, if there were women's rooms and men's rooms in a common  
21 facility, your understanding was that that's -- that that was  
22 not going to happen?

23 A. I thought that in all housing conditions I would be with  
24 females.

25 Q. Yes, ma'am. And you were in a private room, weren't you?

02:28 1 You were in a room by yourself?

2 A. I was in a room in a barracks where there was not any kind  
3 of security.

4 THE COURT: She's not asking you for that. She just  
02:28 5 wants to know: You had your own room and you didn't have a  
6 roommate?

7 THE WITNESS: Correct.

8 MS. VORPAHL: Your Honor, I would move admission of  
9 KBR 129.

02:28 10 MR. KELLY: It's Joint.

11 MS. VORPAHL: Oh, is it. I'm sorry. It's Joint 129,  
12 then. I wasted our time.

13 BY MS. VORPAHL:

14 Q. Let's take a look at Joint --

02:28 15 THE COURT: Before we turn to another subject, I would  
16 like to take our afternoon break. Would all please rise for  
17 the jury?

18 *(Jury not present)*

19 MR. McKINNEY: I failed to move for the admission of  
02:29 20 Bortz 105 through 108, which are the MySpace photos. I showed  
21 them to the witness. She authenticated them.

22 MR. KELLY: Well, I don't know what the Judge's ruling  
23 was. You know my objection to those is that they're not  
24 relevant. I don't know -- I mean, they're not relevant on  
02:29 25 the -- on 412, et cetera; but I think I may have been overruled

02:29 1 on that.

2 THE COURT: Yeah, I think so. My concern is that  
3 she's saying she was so diminished in her sense of self and her  
4 sexual worth and all that these pictures might be thought by  
02:30 5 some jurors to speak to that.

6 MR. McKINNEY: And it was brought up in your direct.

7 MR. KELLY: I think because I was overruled. I don't  
8 want there to be any misunderstanding. I think that was  
9 because I believe that I had already been overruled on that.  
02:30 10 I'm just not, for the record --

11 MR. McKINNEY: Understood.

12 MR. KELLY: All I'm doing is trying to keep my record  
13 clean.

14 THE COURT: Your objection is noted, and it is  
02:30 15 preserved for appeal.

16 MR. KELLY: Your Honor, I just want to bring up  
17 another quick issue. We talked yesterday, we had a photograph  
18 yesterday that Ms. Jones took of KBR outside her home. We had  
19 a big discussion on the record. I would just like to point  
02:30 20 out, we're putting in exhibits like this and calling it a tent.  
21 And I have a photographer who can authenticate what she took a  
22 photograph of ready to -- I mean --

23 MS. VORPAHL: I'll be happy to remove that page from  
24 the presentation.

02:30 25 MR. KELLY: No, no. The point is that when it's their

02:30 1 exhibit, certainly that's a tent. But when it's our exhibit  
2 with a photographer that took it on the stand, I think it's  
3 only appropriate that we be allowed to ask her what --

4 MS. VORPAHL: It's a joint exhibit. If you object to  
02:31 5 that, I'll take it out.

6 MR. KELLY: Well, I don't object --

7 THE COURT: No, you're objecting to my failure to  
8 admit the photograph yesterday. The problem with the  
9 photograph yesterday was that it was a photograph of a truck  
02:31 10 without any reason for thinking that the truck had anything to  
11 do with defendants. It was just a truck that is no different  
12 from hundreds of thousands of trucks we could find driving  
13 around downtown Houston.

14 MR. KELLY: Well, except that the witness will  
02:31 15 testify, your Honor, as to what it was. Even though the  
16 quality of the photograph may not have been great, she  
17 certainly can at least say: That's the best quality I got.  
18 But it is a photograph of -- and when I went up to it, it was a  
19 KBR truck.

02:31 20 THE COURT: Well, and I'll be happy to let her testify  
21 to that. But the photograph did not contribute to the  
22 advancement of that issue. It was a photograph of a truck.  
23 And I don't think the photograph had any capacity to persuade,  
24 and a good bit to confuse.

02:32 25 Thank you.

1 (Recess taken from 2:31 p.m. to 2:44 p.m.)

2 (Jury present)

3 THE COURT: Ladies and gentlemen, please be seated.

4 You may resume.

5 MS. VORPAHL: Thank you, your Honor.

6 BY MS. VORPAHL:

7 Q. Ms. Jones, I'm going to try to move through the next three  
8 exhibits pretty quickly. They are three more joint exhibits  
9 that -- one of which I believe your lawyer has already talked  
10 to you about. They're marked Joint Exhibits 130, 131, and 132.

11 MS. VORPAHL: May I approach?

12 THE COURT: You may.

13 BY MS. VORPAHL:

14 Q. I've even put tabs here so that you can see --

15 A. Oh, thank you.

16 Q. -- which ones are which.

17 A. Okay.

18 Q. The exhibit marked Joint Exhibit 130 is the "Unauthorized  
19 Medication Use" set of slides. Is that right?

20 A. Yes.

21 Q. This was part of a presentation during your orientation  
22 before you deployed to Iraq. Is that right?

23 A. Probably.

24 Q. Okay. Take a look at Joint Exhibit 131.

25 A. Okay.

0 2 : 4 6 1 Q. This is entitled "Affirmative Action and Equal Employment  
2 Opportunity LOGCAP BSC-G&I." And that's "government and  
3 infrastructure," right?

4 A. You would know more than me on that.

0 2 : 4 6 5 Q. Okay. All right. That's -- that's the section -- the part  
6 of KBR that this was in, I believe.

7 A. Okay.

8 Q. You saw that presentation. Isn't that right?

9 A. Can you represent to me if this was the one that was shown  
0 2 : 4 7 10 to me? I don't remember.

11 Q. I believe that there will be testimony that this is exactly  
12 what was shown to you.

13 A. Okay.

14 Q. But I want you to -- I'm asking you that question.

0 2 : 4 7 15 A. Oh, okay. Let me see. Sorry. I'm trying to do my best to  
16 remember all these presentations.

17 Q. Of course.

18 And actually, I believe -- and I'm interrupting,  
19 I know. But I believe that Exhibit 132 is, while separately  
0 2 : 4 7 20 marked, a continuation of Exhibit 131; and so that the two  
21 exhibits together are the presentation that you saw in July of  
22 2005 before you went to Iraq.

23 A. That seems right.

24 Q. All right. You talked earlier about the pre-deployment  
0 2 : 4 8 25 medical questionnaire that you completed before you went to



02:48

1 Iraq, right?

2 A. Briefly, yes.

3 Q. Okay. And you told me that you were untruthful on that  
4 medical questionnaire. Do you agree?

02:48

5 A. I agree.

6 Q. All right. You didn't provide the information that KBR  
7 requested on that questionnaire, did you?

8 A. Not all of it.

9 Q. All right. Let's take a look, please --

02:48

10 MS. VORPAHL: Your Honor, I've tried, in order to  
11 streamline this, to put together a presentation. I've provided  
12 opposing counsel with all of the medical records, and I believe  
13 they've now been preadmitted.

14 Is that correct?

02:49

15 MS. CATES: I think so.

16 MS. VORPAHL: They have been preadmitted.

17 THE COURT: Okay.

18 MS. VORPAHL: And so, I would like to go through this,  
19 if I could.

02:49

20 Could we first see the medical questionnaire,  
21 which is KBR Exhibit Number 20?

22 BY MS. VORPAHL:

23 Q. Can you see that medical questionnaire?

24 A. Now I can, yes.

02:49

25 Q. All right. This is in your handwriting. Isn't that

02:49

1 correct?

2 A. Yes, it is.

3 Q. All right. And it's entitled, "Medical Questionnaire" --  
4 it looks like it might say "Commuter/Expat." Is that right?

02:49

5 At the top.

6 A. Looks like it, yes.

7 Q. All right. And your signature is on that questionnaire on  
8 the second page, the page marked KBR 00012.

9 A. Yes.

02:50

10 Q. And it's dated July 11th of 2005.

11 A. Yes.

12 Q. And this part of the questionnaire is two pages. Is that  
13 right?

14 A. Appears that way, yes.

02:50

15 Q. All right. Let's take a look at the first section of the  
16 questionnaire, which is entitled, "Medical History."

17 MS. VORPAHL: Could you go to the very first section  
18 of the presentation, of the -- where we -- that attached the  
19 documents?

02:50

20 I'm sorry. Maybe we're having a slight computer  
21 malfunction here.

22 MS. CATES: It should be up in just a second.

23 BY MS. VORPAHL:

24 Q. Well, while we're waiting for that, let me ask you a couple  
25 of questions.

02:51

0 2 : 5 1 1                   You understand why it was important that you  
2 provide accurate information on this medical questionnaire,  
3 don't you?

4 A. I spoke to a recruiter; and what I didn't disclose, I  
0 2 : 5 1 5 think, seemed to be okay with the recruiter a long time ago  
6 when I was recruited.

7 Q. Okay. So, you don't understand why it would be important  
8 to provide accurate and correct information on this form?

9 A. I don't remember all it asked. Can we go through it?

0 2 : 5 1 10 Q. Okay. But my question is: Do you understand why it would  
11 be important for this information to be accurate?

12 A. If I remembered what the questions were, I could better  
13 answer your question.

14 Q. All right. Because you don't know whether it would be  
0 2 : 5 2 15 important -- as you sit here, knowing that you went to Iraq in  
16 July of 2005, you just don't know if it would be important to  
17 provide accurate information about your medical history and  
18 medical status on a form that KBR asked for? You just can't  
19 answer that question right now?

0 2 : 5 2 20 A. Just can we go through it?

21 Q. I'm just -- I'm just trying to figure out if you can answer  
22 my question.

23 A. I don't remember what all it was. That's all.

24 Q. All right. But you just can't tell me whether you think  
0 2 : 5 2 25 that it would be important for you to provide accurate

0 2 : 5 2 1 information to KBR? You just don't know one way or the other?

2 A. It would be important.

3 Q. It would be important to provide information that was  
4 accurate and correct and complete to KBR before you were  
0 2 : 5 2 5 deployed to Iraq in July of 2005. Is that right?

6 A. Yes.

7 Q. All right. Now, let's start through the questionnaire.

8 A. Okay.

9 Q. First of all, with regard to the first section that's

0 2 : 5 3 10 entitled "Medical History" -- do you have a copy of it, or are  
11 you able to see this? Would you rather have a paper copy?

12 A. It doesn't matter.

13 Q. Okay. If you can see this, then fine; but will you let me  
14 know if you can't read it well? Because the paper copy is  
0 2 : 5 3 15 pretty easy to read.

16 A. Okay. No problem.

17 Q. All right. In the section marked "Medical History," the  
18 question was: Please check any conditions you have ever had,  
19 include date. And the word "ever" is underlined. Isn't that  
0 2 : 5 3 20 right?

21 A. Yes.

22 Q. All right. And you put: None of the above. Is that  
23 correct?

24 A. Yes.

0 2 : 5 3 25 Q. All right. But that wasn't accurate, was it?

02:54

1 A. (No response.)

2 Q. Was that accurate?

3 A. Do you mind if I have the paper copy? It would speed it  
4 along.

02:54

5 Q. I would be happy for you to have it.

6 A. Sorry.

7 Q. That's okay.

8 A. It's hard for me to read.

02:54

9 MS. VORPAHL: Your Honor, I did this because I thought  
10 it would streamline things; and I'm fearful that I'm not doing  
11 that.

12 THE COURT: That's okay.

13 MS. VORPAHL: But we'll get through it reasonably  
14 quickly once we get everything that we need.

02:55

15 All right. Now I think we can proceed. May I  
16 approach the witness?

17 THE COURT: Yes, you may.

18 MS. VORPAHL: Your Honor, I would move admission at  
19 this time of KBR 20, which is the medical questionnaire.

02:55

20 Ms. Jones has indicated that it bears her signature.

21 MR. KELLY: It also bears her Social Security number,  
22 your Honor.

23 MS. VORPAHL: We'll redact that before they go to the  
24 jury. Thank you for pointing that out.

02:55

25 THE COURT: All right.

02:55 1 BY MS. VORPAHL:

2 Q. Okay.

3 A. I believe that it was none of the above because I wasn't  
4 specifically diagnosed with a seizure disorder, although I was  
02:56 5 given Topamax for a possible seizure. And taking some  
6 medications after a divorce, I don't think constitutes as a  
7 mental illness.

8 Q. Well, your medical records dated September 23, 2004, only  
9 about 10 or 11 months before you deployed, indicate that you  
02:56 10 were hospitalized for multiple days for three to four episodes  
11 of syncope. Is that right?

12 A. For which date?

13 Q. Your medical record dated September 23rd of 2004. Have I  
14 got the date wrong?

02:56 15 A. I don't think I was in the hospital several days during  
16 that. Let me find it.

17 Q. I believe that you were, but take a look at the record.

18 A. I was in the hospital one day.

19 Q. Okay. Complaining of three to four episodes of syncope?

02:57 20 A. Right.

21 Q. Right. And that is fainting?

22 A. Precisely, yes.

23 Q. Okay. All right. Take a look at the next set of medical  
24 records dated October 25th, 2004, where your doctor indicates:

02:57 25 Diagnosed with seizure disorder, seizure disorder below that

0 2 : 5 7 1 and refers -- the doctor refers you to Dr. Wang. Is that  
2 right?

3 A. I didn't think I was diagnosed. Let me see. Where is the  
4 diagnosis?

0 2 : 5 7 5 Q. It's on Document Bortz 165. I'll be happy to come up and  
6 help you find it.

7 MR. KELLY: Your Honor, this is misleading. It's  
8 actually -- although it says -- it does say "diagnosed with  
9 seizure disorder," it's actually Dr. Scott talking about a  
0 2 : 5 8 10 diagnosis from another doctor, which was never made and it's --

11 THE COURT: Well, you can --

12 THE WITNESS: I was never diagnosed --

13 MR. KELLY: -- very misleading.

14 THE WITNESS: -- with this seizure disorder.

0 2 : 5 8 15 BY MS. VORPAHL:

16 Q. Well, the record indicates: Diagnosis with seizure  
17 disorder.

18 Below that: Seizure disorder and refer to  
19 Dr. Wang.

0 2 : 5 8 20 Do you recall who Dr. Wang was?

21 A. He was a neurologist, but I seriously was never diagnosed  
22 with a seizure disorder. If we refer to the record before  
23 this, I wasn't.

24 Q. Okay. Well, let's move on, then, to Section 3, blood  
0 2 : 5 8 25 disorders. And again, it asks: Please check any conditions

02:58

1 you have ever had --

2 A. Okay.

3 Q. -- include date. Do you see where it says that in  
4 Section 3?

02:58

5 A. Oh, we skipped a section. Okay.

6 Yes, I'm not aware of a blood disorder.

7 Q. Okay. You did -- you checked: None of the above.

8 Is that right?

9 A. Right.

02:59

10 Q. In fact, you yourself, on November 19th of 2003, had told  
11 your doctor that you were anemic. Is that right?

12 A. Goodness. Yeah, it looks like it from there; but anemia  
13 can be just solved by iron. At the time I went to Iraq, I  
14 wasn't anemic.

02:59

15 Q. All right. The question again is: Please check any  
16 conditions you have ever -- underlined "ever" -- had, include  
17 date.

18 So, you did not disclose that, just as you did  
19 not disclose any seizure disorder in response to the first  
20 question?

02:59

21 A. I wasn't ever diagnosed.

22 Q. Okay.

23 A. It said "possible" seizure disorder.

24 Q. Well, the medical records indicate otherwise, though, don't  
25 they?

03:00



03:00

1 A. I don't believe so.

2 Q. All right. Let's take a look at the next time that your  
3 illness is anemia, and that's on May the 24th of 2005.

03:00

4 A. But that's after -- let's see. Okay. That's a couple of  
5 months before. You're right.

6 I don't know. Do we have the -- when I was  
7 diagnosed with anemia, though?

8 Q. Well, you have the medical record right there. And the  
9 date of the record is May 24th of 2005.

03:00

10 A. Okay.

11 Q. Please feel free to take a look at it if you would like to.

12 A. Okay.

13 Q. All right. You agree with me that that's what it says?

14 A. Yes.

03:00

15 Q. All right. Section 4 of the Halliburton/KBR medical  
16 questionnaire that you completed before deployment asked  
17 questions about your central nervous system. And it asks that  
18 you: Please check any conditions you have ever had, include  
19 date. And again the word "ever" is underlined.

03:01

20 You see that?

21 A. (No response).

22 Q. And you checked "None of the above" again. Do you see  
23 that?

24 A. Yes.

03:01

25 Q. All right. But, in fact, you didn't check the box marked

03:01 1 "anxiety, nervousness," did you?  
2 A. I didn't think I needed to.  
3 Q. You didn't check the box marked "seizures," did you?  
4 A. I was not formally diagnosed.  
03:01 5 Q. You did not check the box marked "depression," did you?  
6 A. No.  
7 Q. You did not check the box marked "frequent dizziness," did  
8 you?  
9 A. No.  
03:02 10 Q. You did not check the box marked "frequent headaches"?  
11 A. No.  
12 Q. You did not check the box marked "muscle weakness or  
13 paralysis," did you?  
14 A. No.  
03:02 15 Q. All right. Take a look at the medical record dated July 1,  
16 2003, where you indicate to the doctor that you have been  
17 feeling depressed. Do you see that?  
18 A. Yes.  
19 Q. All right. And we talked earlier about the medications  
03:02 20 that you took during the first half of the decade, from 2000 to  
21 2010 -- from 2000 to 2005. We talked about those earlier. Is  
22 that right?  
23 A. Yes.  
24 Q. And we went through your Walgreen's receipts, which are not  
03:02 25 all of the medical receipts you have; but we talked about what

03:02 1 Walgreen's had prescribed -- or had filled for you. Is that  
2 right?

3 A. Uh-huh.

4 Q. Okay. And that's not disclosed anywhere here, right?

03:03 5 A. It's not.

6 Q. Okay. Nor is this visit to the doctor, where you have been  
7 feeling depressed, dated July 1, 2003?

8 A. It's not on here.

9 Q. All right. Nor is it indicated on the medical

03:03 10 questionnaire that on December 22nd of 2004 you went to the  
11 doctor and completed a form and signed it indicating that you  
12 were suffering depression. Is that correct?

13 A. Probably because of Eric Iler, yes.

14 Q. Okay. But you didn't disclose that on your medical  
03:03 15 questionnaire?

16 A. I did not.

17 Q. Nor did you disclose the prescriptions for Zoloft and  
18 Lamictal that you received on November 19th of 2003?

19 A. That was a longtime before I went to Iraq.

03:04 20 Q. All right. And the question again is: Please check any  
21 conditions you have ever had, include date.

22 And your answer was: None of the above.

23 Is that right?

24 A. That's what it is.

03:04 25 Q. All right. Nor did you disclose your prescriptions for

03:04

1 Zoloft and Lamictal of December 8th of 2003, did you?

2 A. That was a long time before; and I thought that if it was  
3 resolved I probably didn't have to disclose it.

4 Q. Nor did you disclose the prescriptions of Zoloft and

03:04

5 Lamictal that you received on February 11th of 2004, did you?

6 A. I didn't disclose the medications that were on that. So,  
7 that might --

8 Q. And those are medications for depression and anxiety?

9 A. Depression.

03:04

10 Q. Okay.

11 A. Not anxiety.

12 Q. Nor did you disclose the prescriptions that went all the  
13 way back to 2000 for Lorazepam. Isn't that right?

14 A. Now, Lorazepam, I think, was a muscle relaxer for an  
15 orthopedic reason.

03:05

16 Q. You also did not disclose in Section 4 of the medical  
17 questionnaire that you had frequent dizziness, did you?

18 A. No.

19 Q. We've already seen the entry where you had syncope. Is  
20 that right?

03:05

21 A. We just saw it, yes.

22 Q. And Mr. McKinney asked you about a hospitalization of four,  
23 five or six days, where you claimed to be unable to walk.  
24 Isn't that right?

03:05

25 A. Yes.

03:05

1 Q. All right. And what year was that?

2 A. I was 17.

3 Q. So, that was 2002. Is that right?

4 A. Yes.

03:05

5 Q. Or 2003?

6 A. '2.

7 Q. Okay. In November of 2004 you complained to your doctor of  
8 dizziness. Is that right?

9 A. Looks like it, yes.

03:06

10 Q. You also did not disclose frequent headaches, though you  
11 had them. Isn't that correct, Ms. Jones?

12 A. Yes.

13 Q. All right. And you failed --

14 A. From 2002.

03:06

15 Q. -- to disclose your frequent headaches on the KBR medical  
16 questionnaire?

17 A. Yes.

18 Q. All right. In fact, we have a medical record dated  
19 August 14th of 2002, where you complain of headache, paren,  
20 facial pain. Is that right?

03:06

21 A. That's what it says.

22 Q. Okay. You don't have any reason to dispute that, do you?

23 A. I've had headaches throughout my life; so, no.

24 Q. Okay. And again, on August 14th, 2002, you're seen because  
25 you have a headache and you are dizzy. Is that right?

03:07

03:07

1 A. I have no idea.

2 Q. Well, take a look at the record. I believe that "headache"  
3 is circled and "dizzy" is circled. But tell me if you  
4 disagree.

03:07

5 A. Kind of looks like it.

6 Q. Okay. Again, on August 15th of 2002, your chief complaint  
7 is headache, nausea, and generalized weakness. Do you see  
8 that?

9 A. Correct.

03:07

10 Q. And you go to the doctor for those ailments?

11 A. Looks like it.

12 Q. On August 16th of 2002, your doctor reports complaints of  
13 headaches. Is that right?

14 A. That's what it says.

03:07

15 Q. On August 16th of 2002 you're admitted to the hospital, and  
16 the admitting diagnosis is headache. Is that right?

17 A. 2002 -- where was this at?

18 Q. St. Luke's Episcopal Health System.

19 A. I don't remember, but okay.

03:08

20 Q. If you would like to take time to look at the record,  
21 you're welcome to. It's Bortz Exhibit 164.

22 A. We can move on.

23 Q. Well, do you believe that you had an admitting diagnosis on  
24 August 16th of 2002, of -- including headache?

03:08

25 A. Oh, including, yes.

03:08

1 Q. Headache, syncope, impaired memory?

2 A. Yes.

3 Q. And, in fact, the medical records continue that you were  
4 being evaluated for severe bifrontal headaches at that time.

03:08

5 Do you see that?

6 A. Yeah. When I was 17, yes.

7 Q. Okay. But that's -- none of this is disclosed on the KBR  
8 medical questionnaire, is it?

9 A. No.

03:09

10 Q. In fact, on September 15th of 2004, less than a year before  
11 you left for Iraq, you are again complaining of headaches three  
12 or four times a week. Is that right?

13 A. I have no idea.

14 Q. You just don't remember that?

03:09

15 A. It says three to four something.

16 Q. Well, I thought it said three to four times -- three to  
17 four, slash, week.

18 A. I don't think so.

19 Q. All right. Were you having headaches in September of 2004?

03:09

20 A. If I wrote it -- if -- I don't remember. I've had  
21 headaches. Yes, I've had headaches.

22 Q. And you've gone to the doctor for them, including on  
23 September 15th of 2004?

24 A. Yes.

03:09

25 Q. In October of 2004, in fact, on October 25th of 2004, your

03:10 1 doctor indicated: Patient reports chronic headaches.

2 Do you see that?

3 A. Yes.

4 Q. And you did, on October 25th, 2004, report chronic  
03:10 5 headaches to your doctor?

6 A. It looks like it, yes.

7 Q. On October 25th of 2004, your chief complaint is headache,  
8 nausea and generalized weakness; and your doctor indicates that  
9 it is eventually leading to your being unable to walk. Is that  
03:10 10 right?

11 A. The headaches themselves?

12 Q. Well, we can read the whole record. It says: History --  
13 first it says: Chief complaint: Headache, nausea, and  
14 generalized weakness.

03:10 15 This is on October 25th of 2004.

16 A. Okay.

17 Q. Your doctor reports --

18 A. That's fine.

19 Q. -- History of present illness: The patient is a  
03:11 20 17-year-old white female with a several-day history of malaise,  
21 nausea, dry heaves, headache described as freezing in the  
22 bilateral frontal radiating to the crown and to the neck,  
23 associated with neck stiffness, photophobia, gradually and  
24 progressive onset but beginning simultaneously, in all  
03:11 25 extremities, eventually leading to her -- excuse me -- leading



03:11 1 her to be unable to walk.

2 Do you see that?

3 A. I do.

4 Q. And you reported those symptoms to your doctor on  
03:11 5 October 25th of 2004?

6 A. Yes.

7 Q. Let's move now to the next section of the KBR medical  
8 questionnaire that you signed before you -- and completed  
9 before you went to Iraq.

03:11 10 This section asks about stomach and intestinal  
11 tract. And again it says: Please check any conditions you  
12 have ever had, include date. And "ever," again, is underlined.

13 And you respond -- you maybe check -- it's hard  
14 for me to know.

03:12 15 Did you check "vomiting/nausea"?

16 A. Yes.

17 Q. Did you scratch it out and recheck it or just scratch it  
18 out?

19 A. Looks like I checked it, to me.

03:12 20 Q. Okay. Okay. It was just hard for me to tell.

21 And when you explain, you say: Been nauseated  
22 when had the flu when I was 5 years old.

23 Is that right?

24 A. That's what it says.

03:12 25 Q. So, you certainly understood that the questionnaire was

03:12 1 asking for things -- if they had ever been ailments of yours,  
2 because you went back here and talked about something that  
3 happened when you were 5 years old?

4 A. That's what it looks like, yes.

03:12 5 Q. Okay. And you went to the trouble to write that down,  
6 something that happened when you were 5?

7 A. Yes.

8 Q. But otherwise, you indicate no other responsive conditions,  
9 other than that you were nauseated when you had the flu when  
03:13 10 you were 5 years old?

11 A. Right.

12 Q. Let's take a look at your medical records.

13 A. Okay.

14 Q. December the 8th of 2003, you saw the doctor for gastritis.  
03:13 15 Is that right?

16 A. I don't know what that is.

17 Q. Gastritis is, like, an upset stomach, a sick stomach.

18 A. Okay.

19 Q. All right. November the 20th of 2003 you saw the doctor  
03:13 20 for -- excuse me -- you completed this form yourself. And it  
21 says: Pain on lower right side of stomach.

22 And you check: Nausea, vomiting, indigestion.  
23 Is that right?

24 A. That's what it looks like.

03:13 25 Q. Okay. That's your signature there on that document, isn't

03:14

1 it?

2 A. Yes.

3 Q. Okay. On August 14th of 2002 you see a doctor for nausea  
4 and vomiting. Is that right?

03:14

5 A. It's circled.

6 Q. You don't have any reason to doubt that, do you?

7 A. I'll let you know when I do. We can keep --

8 Q. All right. On August 14th of 2002 you see a doctor for  
9 vomiting. Is that right?

03:14

10 A. Looks like it.

11 Q. The doctor has circled "vomiting" there. Is that right?

12 A. Looks like it.

13 Q. All right. On August 9th, 2001, you go to the doctor and  
14 your chief complaint is abdominal pain. Is that right?

03:14

15 A. Looks like it, yes.

16 Q. Okay. On August 9th of 2001, the same visit, your  
17 complaint is upper abdominal pain and nausea, correct?

18 A. Yes.

19 Q. On November 19th of 2003, the reason that you see the  
20 doctor on that occasion is abdominal pain, right?

03:15

21 A. Yes.

22 Q. Actually, that's an emergency room visit on November the  
23 19th of 2003. Isn't that right?

24 A. Yes.

03:15

25 I don't know. I'm just agreeing. I think so.

03:15 1 Q. Well, let's take a look. I don't want you to just agree  
2 with me.

3 A. Oh, St. Luke's, yes.

4 Q. And it says: Physician, emergency department.

03:15 5 Do you see where it says that?

6 A. I agree, yes.

7 Q. All right.

8 A. I agree with you.

9 Q. On December 22nd, 2004, about seven months before you leave  
03:15 10 for Iraq, you again see the doctor and complete a form  
11 indicating that you have diarrhea and upper abdominal pain. Is  
12 that correct?

13 A. Yes.

14 Q. On January 19th of 2005 you again see the doctor,  
03:16 15 complaining of abdominal pain. "A-B-D pain," do you see that?

16 A. Yes.

17 Q. On January 19th -- that's the same date as the prior one.  
18 Yes, that is the same date -- the doctor indicates that your  
19 chief complaint is abdominal pain and fever. Is that right?

03:16 20 A. Yes.

21 Q. And you tell the doctor that you had abdominal pain since  
22 Sunday with painful urination. Is that accurate?

23 A. It sounds like I had a bladder infection, then.

24 Q. Okay. Well, let's do move, then, to the next section,  
03:16 25 which is kidney and bladder; and that is Section 6 of the

03:16

1 questionnaire. Do you see that there?

2 A. I do.

3 Q. Okay. The question says: Kidney/bladder, Please check any  
4 conditions you have ever had, include date.

03:16

5 And again "ever" is underlined.

6 And you say: None of the above.

7 Is that right?

8 A. That's what I said.

9 Q. But, in fact, you have had kidney and bladder problems.

03:17

10 Isn't that correct?

11 A. I think by that time I had had a UTI, yes.

12 Q. All right. In fact, on November the 16th of 2004 you  
13 visited the doctor for burning and frequency upon urination.

14 Is that correct?

03:17

15 A. Yes.

16 Q. And your doctor reported that you have a long-term history  
17 of pelvic pain, since the age of 13. Is that accurate?

18 A. I have endometriosis.

19 Q. All right. So, your doctor reported that correctly?

03:17

20 A. Yes.

21 Q. At the same time, you completed a patient assessment  
22 questionnaire in which you were asked: Do you have pain  
23 associated with your bladder or in your pelvis?

24 And your answer was: Always.

03:17

25 Is that right?

03:17

1 A. That's what it said.

2 Q. Okay. Well, take a look at the form. And it is a two-page  
3 form that bears your signature.

4 Is that your signature at the top of the page  
5 there?

6 A. The bottom.

7 Oh, okay. I see it at the bottom, the second  
8 page.

9 Q. All right. Do you see it at the top of the page -- of the  
10 first page, also?

11 A. I see my name.

12 Q. Well, did you -- and is that in your handwriting?

13 A. Yes.

14 Q. All right. So, that was on November the 16th of 2004.

15 On December the 22nd of 2004 you again report, in  
16 your own hand, to the doctor that you have pain with urination  
17 and frequent urination. Is that right?

18 A. Yes.

19 Q. And you again complete a patient assessment questionnaire  
20 and answer the same question: Do you have pain associated with  
21 your bladder or in your pelvis?

22 And you answer it: Always.

23 Is that right?

24 A. Because I have endometriosis. But I had it. But now that  
25 I've had kids, it's really helped it. So --

03:18

03:18 1 Q. Okay. But you hadn't had children in December of 2004, had  
2 you?

3 A. No.

4 Q. And, so, you answered that question "always" then?

03:19 5 A. Looks like it.

6 Q. Okay. And you didn't -- you didn't bother to put that --  
7 any of this information on the medical questionnaire that you  
8 completed for KBR before you were deployed, did you?

9 A. I didn't put it on there.

03:19 10 Q. And in January of 2005, just a few months before you left  
11 for Iraq, you again went to the doctor for a urinary tract  
12 infection. Is that right?

13 A. Yes.

14 Q. Later in January you saw the doctor for nausea and  
03:19 15 vomiting. Is that correct?

16 A. I can't read it, but looks like it.

17 Q. Back to November 16th of 2004, you telephoned your doctor  
18 and indicated that you were still having symptoms of a bladder  
19 infection and were in extreme pain. Is that accurate?

03:20 20 A. Bladder infections hurt.

21 Q. And what I am asking is, this record indicates that you  
22 called on November 16th, 2004, to your doctor and said that you  
23 were having symptoms of a bladder infection and were in extreme  
24 pain. Is that -- is that accurate? Do you have any reason to  
03:20 25 doubt that record?

03:20 1 A. No reason to doubt.

2 Q. All right. In January, on January 19th of 2005, you  
3 complained of pain in your kidney and bladder. Do you recall  
4 the occasion on which you went to the doctor on January 19th of  
03:20 5 2005, complaining of pain in your kidney and bladder?

6 A. I'm sure I did.

7 Q. All right. Let's go finally now to Section 8 of the  
8 questionnaire, that inquires about heart and circulatory  
9 issues. And again you are asked to: Please check any  
03:21 10 condition you have ever had, include date.

11 And you put an "X" in "None of the above." Is  
12 that right?

13 A. Yes.

14 Q. All right. On September the 22nd of 2004, you went to the  
03:21 15 doctor complaining of chest pain. Is that right?

16 A. Yes.

17 Q. Let's look at Section 9 of the questionnaire -- I was  
18 incorrect. I thought I was on the last one -- which is the  
19 musculoskeletal question. And it asks that you: Please check  
03:21 20 any condition you have ever had, including the date.

21 One of those is "back pain." Is that right?

22 A. Yes.

23 Q. You saw the doctor on February 11th of 2004, complaining of  
24 back pain. Is that right?

03:22 25 A. Looks like it.



03:22 1 Q. I actually can't read what's above it. It's "meta" --  
2 something.

3 A. Musculoskeletal? I don't know.

4 Q. But you were complaining of back pain on February 11th of  
03:22 5 2004?

6 A. Yes.

7 Q. One more section. The Section 18, which will be on the  
8 second page of the questionnaire, asks about ear problems and  
9 symptoms. Again, it --

03:22 10 A. Are we skipping?

11 Q. Yes, ma'am. Because --

12 A. Oh.

13 Q. -- I didn't find that you had misrepresented each and every  
14 category.

03:22 15 A. Oh.

16 Q. I'm just going through the ones that you were, in my  
17 opinion, untruthful about. Okay?

18 This section asks about ear problems and  
19 symptoms. Do you see that?

03:23 20 A. Yes.

21 Q. And it again asks for you to: Please check any condition  
22 you have ever had and include the date.

23 And one of the them is "hearing difficulty." Is  
24 that correct?

03:23 25 A. Yes.

03:23 1 Q. On December the 22nd of 2004 you went to the doctor, you  
2 completed this form that's before you and you complained of  
3 hearing loss. Isn't that correct?

4 A. That's what it says.

03:23 5 Q. All right. Do you have hearing loss?

6 A. I took a hearing test from you guys, and that came back  
7 okay. So --

8 Q. But on December the 22nd, 2004, you told the doctor that  
9 you had hearing loss?

03:23 10 A. I probably did when I filled that out. But I don't know if  
11 this was before or after your hearing test.

12 Q. Well, you took the hearing test in connection with --  
13 presumably with going to Iraq.

14 A. Yes.

03:24 15 Q. All right. This medical record is dated December 22nd of  
16 2004?

17 A. Yes.

18 Q. All right. And at that time you believed that you had  
19 hearing loss, correct?

03:24 20 A. On December 22nd, yes.

21 Q. All right. And you did not disclose that on the form?

22 A. No.

23 Q. Even though it asks that you disclose any condition that  
24 you've ever had?

03:24 25 A. Right.

03:24 1 Q. Okay. On August 14th of 2002 you indicate that you are  
2 suffering from dizziness. Is that right?

3 I think this is a record we've actually seen  
4 before.

03:24 5 A. A lot of these are repeat, yes.

6 Q. And on September 22nd, 2004, you indicate that you are --  
7 that you have passed out and you are dizzy. Is that right?

8 A. I don't see -- yes.

9 Q. "Passed out" is right before "dizzy."

03:24 10 A. Yes.

11 Q. I keep saying I'm at the end.

12 The next section deals with prior  
13 hospitalizations, and it's Section 24. And the question there  
14 is: List any hospitalizations, major illness, injuries,  
03:25 15 surgeries or other conditions, physical or psychological, that  
16 you have ever had. Please include year.

17 And "ever," again, is underlined.

18 You disclose that your gall bladder was removed  
19 in 2003 and that you had breast augmentation November 23rd of  
03:25 20 2004. Is that right?

21 A. That's what it says.

22 Q. All right. You don't disclose that you were hospitalized  
23 in August of 2002 in the -- for the reasons that Mr. McKinney  
24 went through in some detail, that you couldn't walk, that you  
03:25 25 were being -- had to be carried around, that you were fainting.

03:26 1 Is that right?

2 A. Right.

3 Q. All right. And on July 29th, which is actually after the  
4 incident that has caused you to sue KBR and Charles Bortz, you  
03:26 5 met with a physician, a psychiatrist that the Department of  
6 State took you to. And his name was Dr. Panakkal David. Do  
7 you remember that?

8 A. Yes.

9 Q. He reported that your past history was significant for a  
03:26 10 motor vehicle accident at age 16, with hospitalization for  
11 spinal injury for four to five months in Houston. Do you see  
12 where he said that?

13 A. I have no idea where that is coming from.

14 Q. So, it's your sworn testimony that he just made that up?

03:26 15 A. I'm not saying that. I just don't know where that came  
16 from.

17 Q. Well, was someone else in the visit with you at the  
18 psychiatrist that the Department of State took you to?

19 A. No.

03:27 20 Q. All right. So, it had to have either been that you said it  
21 or that the psychiatrist made it up?

22 A. Wouldn't be to make it up. I mean, I don't know where it  
23 came from. I don't know.

24 Q. The doctor also reported: She had suffered some  
03:27 25 post-traumatic stress symptoms, which resolved with no

03:27

1 psychiatric treatment.

2 Did you tell the doctor that?

3 A. No clue.

4 Q. Don't remember one way or the other?

03:27

5 A. I don't remember that.

6 Q. So, you just don't remember what you might have told the  
7 doctor?

8 A. We talked about the sexual assault.

9 Q. And you didn't talk about a motor vehicle accident at all?

03:27

10 A. I don't know.

11 Q. Just don't recall one way or the other?

12 A. I don't remember that.

13 Q. Okay. You weren't honest in your pre-deployment  
14 questionnaire, medical questionnaire, were you?

03:28

15 A. No.

16 Q. And you didn't provide KBR with the requested medical  
17 information, did you?

18 A. Doesn't look like it.

19 Q. Your mother wanted to go to Iraq to work, too, didn't she?

03:28

20 A. Eventually.

21 Q. All right. And I believe you've seen one e-mail, which is  
22 KBR Exhibit 17 -- I think there's actually a Bortz -- it's  
23 actually also Bortz 10 or B10, and it's already been admitted.

24 And you wrote to the recruiter, Justin Lee, and said, on

03:28

25 Friday, July the 8th, that your mother can leave in the near

03:28 1 future. Isn't that right?

2 A. That's what I said.

3 Q. All right. Was that the truth or not the truth?

4 A. It just all depended on her and how quickly it would take  
03:29 5 for her to recover from her surgery.

6 Q. But that's not what you told the recruiter, is it?

7 A. I don't know because we talked a lot on the phone, too.

8 Q. Your mother e-mailed you once you got to Iraq and told you  
9 she was ready to come then, didn't she?

03:29 10 A. I don't know.

11 Q. You don't remember that?

12 A. You showed the e-mail, but I don't -- I don't remember what  
13 it exactly said.

14 Q. All right. Well, we'll get to that when we get back that  
03:29 15 far.

16 Now, you told this jury that someone at your  
17 Greenspoint training told you that you would be housed in a  
18 trailer with one other female. Is that right?

19 A. Yes.

03:29 20 Q. You don't know who that person was?

21 A. It was someone that had an authoritative position. That's  
22 all I know.

23 Q. It was somebody that you saw out where people were milling  
24 around in the central area. Isn't that right?

03:30 25 A. Right, but I think it was one of the presenters that I

03:30 1 talked to later.

2 Q. Well, you didn't learn that information in a presentation,  
3 did you?

4 A. Not in a presentation.

03:30 5 Q. In fact, you learned to the contrary, didn't you, that you  
6 would be housed in a trailer, a hooch, a container, a CHU,  
7 whatever you want, or perhaps in a tent or perhaps in barracks.  
8 That's what you learned during the presentations, correct?

9 A. But I also learned that we would have females and males  
03:30 10 segregated in all housing conditions.

11 Q. But you understood from people in billeting that everybody  
12 had to wait their turn for upgraded accommodations, didn't you?

13 A. I had seniority from Houston.

14 Q. But you understood that that's not how it worked. It was  
03:31 15 in-country seniority; and you understood that at least by the  
16 time that you got to Iraq, didn't you?

17 A. When I was in Iraq, it was very different than how it was  
18 represented.

19 Q. All right. But my question was different than that. When  
03:31 20 you got to Iraq, you understood that you had been assigned to a  
21 barracks, correct?

22 A. Yeah, of course.

23 Q. All right. And you understood that you would have to work  
24 your way up in line in order to get a container?

03:31 25 A. Apparently.

03:31 1 Q. Well, you understood that. You came to understand that  
2 when you got to Iraq and got your barracks, right --

3 A. Yes.

4 Q. -- your barracks assignment?

03:31 5 And there was a list posted on the wall that  
6 showed how people were progressing, how they were moving up the  
7 list, in order to get into a container?

8 A. Never saw a list.

9 Q. You never saw a list?

03:31 10 A. No.

11 Q. All right. You never had any understanding of how you were  
12 going to move up the line?

13 A. I never saw a list.

14 Q. Okay. Well, did you have an understanding of how you were  
03:32 15 going to move up?

16 A. Not really. I was only in country a few days.

17 Q. All right. So, you just didn't know that. You didn't  
18 understand that you would be assigned based on your time in the  
19 country?

03:32 20 A. (No response.)

21 Q. Did you answer that question? Maybe I didn't hear it.

22 A. Oh, I didn't know it was a question. I thought it was a  
23 comment.

24 Q. You didn't understand that it would be based upon your time  
03:32 25 in the country?



03:32 1 A. I didn't know what was going on.

2 Q. You didn't know what was going on at all when you were in  
3 Iraq?

4 A. I was housed in a barracks that had a lot of men in it.

03:32 5 And I wasn't sure how long it takes to move to a trailer or I  
6 didn't see a list like you're talking about.

7 Q. All right. Well, let's talk. You said that you -- you  
8 have said that you were housed in all-male housing, right?

9 A. I thought it was, until you guys produced the list.

03:33 10 Q. And then you changed that to predominantly all-male  
11 housing, right?

12 A. I wanted to be as accurate as possible because I never saw  
13 another woman in that barrack.

14 Q. Okay. Now, you testified that when you go to the bathroom,  
03:33 15 you typically go down your hall and then down the stairs. Is  
16 that right?

17 A. Or you can go down the stairs and down the hall.

18 Q. Okay. I thought that you had testified that you went down  
19 your hall and downstairs typically when you went to the  
03:33 20 bathroom. That's not so?

21 A. The part of my testimony was when I would -- when I went  
22 down the hall, down the stairs; but that doesn't mean every  
23 time I did that.

24 Q. Okay. All right. Well, let's do talk about your floor on  
03:33 25 the barracks right now. Okay?

03:33 1 A. Okay.

2 MS. VORPAHL: Could I have Exhibit -- Joint  
3 Exhibit 106?

4 Your Honor, I have a demonstrative. And I'll  
03:34 5 represent to the Court that we've been through the barracks  
6 list, and we have created a picture. May I put the picture up?

7 THE COURT: Have you shown it to the other side yet?

8 MS. VORPAHL: No, I have not tendered it to the other  
9 side.

03:34 10 THE COURT: Do that first.

11 MS. VORPAHL: (Indicating.)

12 *(Sotto voce discussion between plaintiff's and defense*  
13 *counsel)*

14 MR. KELLY: May we approach, your Honor?

03:35 15 *(At sidebar with all counsel)*

16 MS. VORPAHL: Your Honor, this is a joint exhibit. It  
17 lists every single person who was -- who was housed and with  
18 KBR at the time. And B2 indicates Barracks 2. So, any B2  
19 200 number will be a Barracks 2, second floor.

03:35 20 I'm going to ask her to take a look with me at  
21 each one of these people --

22 THE COURT: Okay.

23 MR. KELLY: She needs to have a witness who has  
24 testified that there are women in there. This witness is  
03:35 25 saying she has never seen a woman in the barracks.

03:35 1 Furthermore --

2 THE COURT: Where did this exhibit come from?

3 MS. VORPAHL: It's a joint exhibit.

4 MR. KELLY: It was created --

03:36 5 MS. VORPAHL: I made this, but this is a joint  
6 exhibit. All I'm going to do is take --

7 THE COURT: Just a second. Let him speak.

8 MR. KELLY: But this exhibit, while I've allowed it to  
9 be admitted as KBR's representation of what's going on in the  
03:36 10 barracks, it's their representation.

11 Although the exhibit itself may be admissible,  
12 we're not authenticating this for -- we're not admitting its  
13 veracity. This is KBR's exhibit. We didn't control it, we  
14 didn't create it, and --

03:36 15 MR. HEDGES: It's a joint exhibit.

16 MR. KELLY: I'm not saying the exhibit can't come in  
17 as KBR's representation --

18 THE COURT: Tell me what your objection is.

19 MR. KELLY: My objection is there's no witness to  
03:36 20 properly authenticate the demonstrative. She's trying to put  
21 this in through Ms. Jones, who says she's never seen a woman in  
22 the barracks.

23 MS. VORPAHL: But all I'm trying to do --

24 MR. HEDGES: It's validated by what's on here. It  
03:36 25 takes the names off -- it's very obvious that some names are

03:36 1 women and some names are men and it just puts them in where  
2 they say --

3 MR. KELLY: What's on here is what KBR says. It is  
4 not necessarily true.

03:36 5 MS. VORPAHL: But it's an exhibit that's come in.

6 MR. McKINNEY: Simply couch the question in terms of  
7 if it's an exhibit that accurately reflects the population of  
8 the barracks, then isn't it natural that this is what the  
9 layout looked like.

03:37 10 MS. VORPAHL: Okay. We can do that.

11 But this exhibit is in. I really would like to  
12 just go ahead and --

13 MR. KELLY: I understand you would like to. I would  
14 like to put in a photograph of KBR following my client, too.

03:37 15 THE COURT: Wait a minute.

16 MR. McKINNEY: I think it's a very useful  
17 demonstrative to show what the layout was.

18 MR. HEDGES: We are just trying to use it as a  
19 demonstrative.

03:37 20 THE COURT: Well, that's in. And I don't have any  
21 objection to you asking if she has reason to disagree that this  
22 is correct.

23 MS. VORPAHL: All right.

24 (*In open court*)

03:37 25 MS. VORPAHL: May I approach the witness?

03:37

1 THE COURT: You may, yes.

2 BY MS. VORPAHL:

3 Q. Ms. Jones, I'm going to hand you what is Joint Exhibit 106.

4 A. Okay.

03:37

5 Q. You've seen that before, haven't you? That's a --

6 A. I have.

7 Q. That's a list of various people who were at Camp Hope, some  
8 in barracks, some in trailers.

03:38

9 MS. VORPAHL: Could we put Exhibit 106, just one page  
10 of it, up, please? Just the first page would be fine so people  
11 can see.

12 Can you enlarge it a little bit?

13 BY MS. VORPAHL:

03:38

14 Q. So, you see, like, for example, Gloria Abercrombie-Rogers  
15 appears to be in TRI-K139R, which I believe to be a trailer.

16 Do you see that?

17 A. I see it.

18 Q. Okay. And then if you move down a few, Admir Alibalic  
19 appears to be in Barracks 2, 221. Do you see that?

03:38

20 A. Yes.

21 Q. And so, what I have done is -- what I have done is attempt  
22 to take these people --

03:39

23 MS. VORPAHL: Your Honor, I'm going to move on to  
24 another topic and let me see -- I'll work on this overnight, if  
25 that's okay.

03:39 1 THE COURT: Okay.

2 BY MS. VORPAHL:

3 Q. You'll agree with me that you sent e-mails, Ms. Jones, to  
4 Frederick Heard and to Steven O'Neal back in Houston asking  
03:39 5 whether they could get you out of the barracks. Is that right?

6 A. I agree.

7 Q. Okay. And what you said to Steven O'Neal is: I finally  
8 made it in this morning. There was a holdup in Dubai because  
9 there was a dust storm in Baghdad. I am at headquarters  
03:40 10 Baghdad. I am staying in the barracks. Is there anything you  
11 can do to get me in a container? Anyways, do you know when you  
12 are coming to country yet? I bet working there sucks without  
13 me there. Hee, hee, hee, LOL. Anyways, I will talk to you  
14 soon.

03:40 15 Do you recall writing that e-mail?

16 A. Yes.

17 Q. All right. And that was on the day that you arrived,  
18 Monday, July 25th. Is that right?

19 A. I thought it was the second day, but I'll agree with you.

03:40 20 Q. Well, no, no. Let me show you.

21 MS. VORPAHL: May I approach the witness?

22 THE COURT: You may approach.

23 BY MS. VORPAHL:

24 Q. This is Exhibit B12.

03:40 25 A. Okay.

03:40 1 Q. See if it's correct that you sent that. And, you know, it  
2 could be that it was received by -- and that just occurred to  
3 me. It could be that it was received by Steven O'Neal at the  
4 time indicated on the e-mail. You may -- you understand you  
03:40 5 were, I believe, nine hours ahead?

6 A. Yes.

7 Q. Is that consistent with your recollection?

8 A. It is.

9 Q. All right.

03:41 10 A. It was the next day, morning.

11 Q. So, it was the next morning for you; and it was the 25th  
12 for Steven O'Neal?

13 A. Yes.

14 Q. I'm still having trouble with that because the time, if you  
03:41 15 note on here, is at 1:00 in the afternoon. Do you see that?

16 A. Yes.

17 Q. Okay. Which would be about 10:00 at night the same day on  
18 the 25th of July?

19 A. Right.

03:41 20 Q. In Iraq. So, do you believe that you sent this e-mail at  
21 about 10:00 p.m. on the 25th of July?

22 A. No.

23 Q. All right. But you -- so, you can't explain why it says  
24 that he received it at 1:04 p.m. on Monday, the 25th of July?

03:41 25 A. I really thought I sent it the next day.

03:41 1 Q. Okay. But you may be mistaken?

2 A. I really think I sent it the next day.

3 Q. All right. Let me ask you about another e-mail, and this  
4 is one that you wrote to Frederick Heard. You wrote: Hey,

03:41 5 Fred. I am in the Green Zone at USMI as a tech. I was at HQ,  
6 headquarters; but they moved me to USMI because they had a more  
7 technical position there.

8 MS. VORPAHL: This is Exhibit B13. I should have it  
9 up on the screen.

03:42 10 BY MS. VORPAHL:

11 Q. "It's not as bad here as I thought it would be. It's kind  
12 of nice because I'm meeting new people that are neat. I bet  
13 Houston is falling apart without me there. Joking. Thanks for  
14 everything you helped me out with back in Houston.

03:42 15 "Do you know anyone that has any pull over  
16 billeting here at USMI? I am stuck in some nasty barracks that  
17 suck. LOL. Let me know if you know how I can bump myself up  
18 on the list. Anyways, stay in touch, Jamie."

19 This is an e-mail that indicates that Frederick  
03:42 20 Heard received it on Wednesday, July 27th, at 4:57 a.m.

21 MS. VORPAHL: May I approach the witness?

22 THE COURT: You may.

23 BY MS. VORPAHL:

24 Q. And it is marked Exhibit B13.

03:43 25 A. Okay.



03:43 1 Q. Did I accurately read that and indicate correctly the time  
2 that it was received?  
3 A. That it was received? Probably.  
4 Q. All right. And that was on Wednesday, the 27th. Is that  
03:43 5 right?  
6 A. Yes. And it looks like I did know about Elizabeth back  
7 then. I must have totally forget about it.  
8 Q. Right. And you had also met some neat people at that  
9 point. Is that correct?  
03:43 10 A. Pete Arroyo, yes.  
11 Q. And Charles Bortz?  
12 A. No. And Sara Simco. Pete Arroyo, Sara Simco.  
13 Q. Now, you had met Charles Bortz by this time. Isn't that  
14 correct?  
03:43 15 A. I don't know.  
16 Q. You don't recall in your -- earlier in your testimony that  
17 you met Charles Bortz on the first night that you were there,  
18 that you went and saw --  
19 A. That's right.  
03:43 20 Q. -- him and others playing video games?  
21 A. Right.  
22 Q. And that you asked Sara Simco to put his phone number in  
23 your new phone?  
24 A. Along with a lot of other numbers, just so that I could  
03:44 25 find my way around the camp.

03:44 1 And as I can remember it, Charles Bortz was in my  
2 barracks. So, he would be one of the people that could direct  
3 me around there.

4 MS. VORPAHL: I would move admission of Bortz 12 and  
03:44 5 13, if they have not already been admitted.

6 THE COURT: Any objection?

7 MR. KELLY: No objection, your Honor.

8 THE COURT: Admitted without objection.

9 BY MS. VORPAHL:

03:44 10 Q. Jamie, if KBR wanted to cover this up, what you say  
11 happened to you, why would they have gotten a statement from  
12 you?

13 A. I have no idea.

14 Q. You say you didn't want KBR to take you to a hooch?

03:45 15 A. No.

16 Q. Where did you want to go then?

17 A. I wanted to get some clothes. I didn't even have a bra  
18 underneath my shirt.

19 Q. And then where did you want to go?

03:45 20 A. I don't remember.

21 Q. You had accused people that you said you couldn't identify  
22 of raping you, hadn't you?

23 A. I had to pick him up in a lineup -- pick him out in a  
24 lineup.

03:45 25 Q. And you wanted to live in a hooch, in a container, just

03:45 1 like the one that you were taken to for your safety, didn't  
2 you?

3 A. I didn't want a container that I was imprisoned in and  
4 locked in by armed guards, no.

03:45 5 Q. Now, you told the jury yesterday that Jamie Armstrong told  
6 you that another girl was raped and buried and pointed  
7 somewhere. Isn't that right?

8 A. Yes.

9 Q. You never told the Department of state that during your  
03:45 10 investigation, did you?

11 A. Apparently they -- Jenny Foo did know that.

12 Q. Well, it's not in any of the Department of State records,  
13 is it?

14 A. Jenny Foo was aware of it.

03:46 15 Q. Well, she didn't think enough of it to make a written  
16 record of it, did she?

17 A. I have no idea.

18 Q. You didn't think enough of it to tell anybody until  
19 yesterday, did you?

03:46 20 A. I was so traumatized, I don't remember all the  
21 conversations that --

22 Q. You didn't tell Congress?

23 A. No, I didn't tell Congress.

24 Q. It's not in your pleadings?

03:46 25 A. It's not in my pleadings.

03:46

1 Q. You didn't tell "20/20"?

2 A. Did not tell "20/20."

3 Q. Or any of the other medias that interviewed you?

4 A. No.

03:46

5 Q. Your attorney didn't ask Jamie Armstrong at her deposition  
6 whether she said that?

7 A. I remembered it once Congressman Poe's office reminded me  
8 of it.

9 Q. Your father never said anything about this assertion in his  
10 deposition, did he?

03:46

11 A. My dad does not have a good memory. That's --

12 Q. And you gave your deposition only a month or two ago; and  
13 you didn't say anything about it in your deposition, did you?

14 A. I remember it now, now that Congressman Poe's office  
15 reminded me.

03:47

16 I think KBR probably took a statement to know who  
17 all I've talked to, who all knew about it, to cover it up.

18 MS. VORPAHL: Your Honor, at this time I will pass the  
19 witness.

03:47

20 THE COURT: Very well.

21 Redirect, Mr. Kelly?

22 MR. KELLY: Thank you, your Honor.

23 MS. VORPAHL: I'm sorry. Let me get my stuff out of  
24 the way real quick.

03:47

25 MR. KELLY: May it please the Court.

03:47 1 THE COURT: Yes.

2 REDIRECT EXAMINATION

3 BY MR. KELLY:

4 Q. Jamie, as part of your treatment for post-traumatic stress  
03:47 5 disorder, do you take medication?

6 A. Yes.

7 Q. What medications do you take?

8 A. Currently I take Paxil and Xanax.

9 Q. What kind of treatments do you have to undergo?

03:48 10 A. Well, because I live out in Cut And Shoot, every two weeks  
11 I go to therapy with Dr. Dawn -- not doctor, I'm sorry -- with  
12 Dawn Nelson and I go to a psychiatrist about once a month for  
13 medication.

14 Q. What is the purpose of your treatments with therapists and  
03:48 15 your medications that you take?

16 A. Because of my post-traumatic stress disorder from Iraq.  
17 Since I've been home, I've gone to therapists over 200 times.

18 Q. What are they trying to do in your therapy, Jamie?

19 A. They're trying to desensitize me from this, trying to make  
03:48 20 me forget about it. They're trying to let me be able to move  
21 on with my life.

22 Q. They're trying to make you forget about it?

23 A. Yes.

24 Q. Sort of cuts against the grain of trying to testify in a  
03:49 25 Court of law, doesn't it?

03:49 1 A. It does. I've been through so much desensitization  
2 training and everything else.

3 Q. Everything we've done to you for the last couple of days is  
4 the antithesis of what you have gone through for the last six  
03:49 5 years, isn't it?

6 A. Right.

7 Q. You tried to tell us earlier why you didn't call the ethics  
8 hotline.

9 A. I tried.

03:49 10 Q. Do you remember that?

11 A. Yes.

12 Q. Why don't you tell us now?

13 A. Patricia Zaruba, in Eric Iler's office, was being harassed  
14 by him. She used the ethics hotline --

03:49 15 MS. VORPAHL: Your Honor, I'm going to object. This  
16 is --

17 THE COURT: Just a second. Just a second.

18 MR. KELLY: It's not offered for the truth of the  
19 matter asserted, your Honor. It's offered for why she didn't  
03:49 20 call the ethics hotline, certainly the effect on the hearer.

21 MS. VORPAHL: Your Honor, I think it's hearsay. It's  
22 clearly hearsay. And to the extent that it would be offered  
23 for any other purpose, its probative value is far outweighed by  
24 the substantial prejudice.

03:49 25 MR. KELLY: Your Honor, she just got beat up on

03:50 1 cross-examination about why she didn't use the ethics hotline  
2 to call about Eric Iler. She certainly ought to be allowed to  
3 tell the jury why she didn't do that.

4 MR. MCKINNEY: I would add that not only is it  
03:50 5 hearsay, like many other things in this trial, this is  
6 absolutely the first time we're hearing anything at all about  
7 this.

8 THE COURT: Well, that's my concern. Has this been in  
9 any of the disclosures?

03:50 10 MR. MCKINNEY: No, it has not.

11 MR. KELLY: It was never asked, your Honor. This  
12 question was why she didn't call the --

13 THE COURT: This goes to the core of the case, though.  
14 I'm not able to allow it. I'm sorry.

03:50 15 BY MR. KELLY:

16 Q. Did you believe that the ethics hotline would respond to  
17 your concerns, Jamie?

18 MR. MCKINNEY: Excuse me, Judge.

19 A. No.

03:50 20 MR. MCKINNEY: You've just addressed this in an  
21 objection.

22 MR. KELLY: No, he's addressed the hearsay.

23 THE COURT: He can ask if she believed it would do any  
24 good. That's all right. We're not going to go off on somebody  
03:50 25 else's report.

03:50

1 A. No.

2 BY MR. KELLY:

3 Q. Did you believe that your call to the ethics hotline would  
4 do you any good?

03:50

5 A. I knew it wouldn't.

6 Q. You know, you were asked about a number of the items that  
7 were provided to you in the Greenspoint Mall; and one of them  
8 had to do with being able to call a bunch of different numbers.  
9 Do you recall that?

03:51

10 A. Right.

11 Q. One of them was the ethics hotline. One of the them was  
12 you could call KBR legal. Did you see that?

13 A. Yeah.

14 Q. So, if you were really productive and you got through, you  
15 could call somebody like Celia Balli sitting over there, right?

03:51

16 A. Yes.

17 Q. And that's the person that could help you. That's what  
18 those documents say, isn't it?

19 MS. VORPAHL: Your Honor, he's leading the witness  
20 again; and this is improper question and answer.

03:51

21 THE COURT: Why don't you rephrase the question.

22 MR. KELLY: Sure.

23 BY MR. KELLY:

24 Q. Who did you think you would get if you called one of those  
25 numbers, Jamie?

03:51



03:51 1 A. No help. I knew I would not get any help.

2 Q. When you were being asked about that same packet of  
3 documents, you were asked about whether or not you were told  
4 you could get deep vein thrombosis. Do you remember that?

03:51 5 A. Yes.

6 Q. Ms. Vorpahl had a little struggle and she said: Wait a  
7 minute. I have no reference to that; so, she's going to come  
8 back to it later.

9 Do you recall that?

03:52 10 A. Yes.

11 Q. Similarly, Jamie, you and I have had some difficulty with  
12 references on secrecy?

13 A. Yes.

14 Q. Without reference to a specific document, do you have an  
03:52 15 understanding as to whether or not arbitration was secret?

16 A. Arbitration without a doubt is secret, binding, no chance  
17 for an appeal, stacked in favor of big business.

18 Q. Who is Diana Guest?

19 A. She is a therapist and an EMDR, which is eye movement --  
03:52 20 something, that helps with trauma.

21 MR. KELLY: I would like to put up Bortz Exhibit 225,  
22 please. I believe this was admitted yesterday.

23 MR. McKINNEY: I'm pretty sure that's not Bortz  
24 Exhibit 225.

03:53 25 MR. KELLY: That's not Bortz Exhibit 225.

03:53 1 Did you find it? While we're waiting --

2 BY MR. KELLY:

3 Q. Do you recall Mr. McKinney asking you about Bortz 225  
4 yesterday?

03:54 5 A. Yes.

6 Q. I would like to direct your attention to your May 17th --  
7 I'm sorry -- May 16th entry. Can you just go ahead and read  
8 that?

9 A. Client reports being traumatized by nine-hour interview by  
03:54 10 workman comp psychologist. Client reports that she has been  
11 having nightmares about the incident. Client is still not able  
12 to leave her home without accompaniment except to go to therapy  
13 and doctor appointments, where she feels safe. All other  
14 activity is focused on the SA. She is clearly not a candidate  
03:55 15 to return to work.

16 Q. Is that referring to your interview with Stuart Meisner?

17 A. Yes.

18 Q. That interview itself traumatized you, if I read that  
19 right?

03:55 20 A. Yeah, it was awful.

21 Q. And what were the nightmares that she refers to there,  
22 Jamie?

23 A. Well, he was just -- it wasn't really like a psychologist  
24 type interview. It was more of an interrogation. He wanted to  
03:55 25 find out answers for KBR.

03:55

1 Q. It says you can't leave home unless you -- not able to  
2 leave your home without accompaniment. What does that mean?  
3 Who had to accompany you?

03:56

4 A. Someone that I felt safe with, either a close friend or my  
5 mother or husband.

6 Q. Is that --

7 A. And also, I wanted to point out that, you know, that  
8 nine-hour interview with workman's comp was actually harder  
9 than what I just went through with the defense questioning me.

03:56

10 It was way worse.

11 Q. Jamie, it appears to -- that the intention is to accuse you  
12 in some way of making this story up because of your STDs. Is  
13 that the feeling that you get?

14 A. Yes.

03:56

15 MS. VORPAHL: Objection, leading question.

16 THE COURT: That's argumentative. I'm sorry.

17 THE WITNESS: I'll explore that but --

18 THE COURT: Well, ask the question a different way.

19 MR. KELLY: Sure.

03:56

20 BY MR. KELLY:

21 Q. Do you get a sense of where the defense is going in the  
22 questions?

23 A. Yes.

24 MS. VORPAHL: Your Honor, again, these are leading  
25 questions.

03:57

03:57

1 THE COURT: Yeah. Okay.

2 MR. MCKINNEY: And if I might add, Judge, it's  
3 argumentative. It's not even a factual inquiry. It's asking  
4 the witness to evaluate opposing parties' motives, simply not a  
5 proper subject matter for examination.

03:57

6 MR. KELLY: If I could be allowed just a little bit of  
7 latitude, your Honor? I'm not going very far down that road  
8 before I explain why it's important.

03:57

9 THE COURT: Well, I do think it's improper, though, to  
10 characterize something that the other side is doing. You may  
11 certainly ask her about matters that did not get inquired into  
12 by Ms. Vorpahl or Mr. McKinney.

03:57

13 A. If I had some kind of apprehension about telling someone my  
14 STDs, I wouldn't have filed this lawsuit. I was told by you  
15 that the entire world was going to know about my STDs. And I'm  
16 okay with that if it makes them stop abusing women. And  
17 employees.

18 BY MR. KELLY:

19 Q. You knew, filing this lawsuit?

03:58

20 A. Absolutely.

21 Q. I want to address -- put your attention to Bortz 69.

22 Do you remember being asked about Bortz 69  
23 yesterday, Jamie?

24 A. Put my glasses back on.

03:59

25 Yes.

03:59 1 Q. Let me just ask you this. Looking at this exhibit, can you  
2 tell who the agent being referred to in that third paragraph  
3 is?

4 A. No.

03:59 5 Q. Can you tell where that agent got his information?

6 A. No.

7 Q. Or her information?

8 A. No.

9 Q. Can you even tell who that agent talked to to find out  
03:59 10 anything?

11 A. No.

12 Q. Do you know whether the information came from someone at  
13 KBR?

14 A. Probably did.

03:59 15 Q. Who's the male doctor that's being referred to there?

16 A. I didn't see a male doctor in Iraq.

17 MR. KELLY: Bortz 188. He's got it now.

18 BY MR. KELLY:

19 Q. What were you told about your surgical condition on this  
04:00 20 examination of 7-20-05, Jamie?

21 A. Can you highlight it?

22 Q. I think it's about the fourth line down.

23 You see where it says "condyloma resolved"?

24 A. "Condyloma resolved."

04:01 25 Q. Did Dr. Scott tell you what that meant?

04:01 1 A. It meant I was healed.

2 Q. Okay. And this was five days before your rape in Iraq?

3 A. That was 7-20. So, seven days?

4 Q. Seven days. You're right. My mistake.

04:01 5 A. No problem.

6 Q. Let's look at Joint Exhibit 93. This was Dr. Scott that

7 said your condyloma was resolved, right?

8 A. Yes.

9 Q. That was your regular OB-GYN?

04:01 10 A. She was my regular OB-GYN. Do you want me to read it?

11 Q. And, Jamie, if you would, just tell me what she says about

12 her examination, what she found on examination in her letter to

13 Ms. Falanga.

14 A. Okay. She said: Ms. Jones presents to my office for a

04:02 15 sexual assault that happened while in Iraq. Ms. Jones' status

16 post-sexual assault, six days prior to the visit. On exam she

17 had a small, superficial laceration at the vaginal opening.

18 Q. Jamie, had there been -- other than the rape, had you had

19 any other sexual contact with anyone?

04:02 20 A. No.

21 Q. Had you had any other reason to have a laceration at your

22 vaginal opening six days after the rape?

23 A. No.

24 Q. You were asked a lot of questions about the pre-deployment

04:03 25 medical questionnaire by Ms. Vorpahl today.

04:03

1 A. A lot, yes.

2 Q. And she indicated in no uncertain terms that you had been  
3 untruthful on a number of those?

4 A. Yes.

04:03

5 Q. I want to show you a page from that questionnaire,  
6 KBR 000019.

7 MR. KELLY: I think it's -- I think the exhibit is KBR  
8 20. KBR 20, I think, is the exhibit.

9 While he's pulling that up, may I approach, your  
10 Honor?

04:04

11 THE COURT: You may.

12 BY MR. KELLY:

13 Q. Just so you have this in front of you, Jamie.

14 A. Thanks.

04:04

15 Q. This is where we're going to go.

16 A. Okay.

17 MR. KELLY: If we can blow up just Question Number 9,  
18 Bill.

19 BY MR. KELLY:

04:04

20 Q. If you could read that question for the ladies and  
21 gentlemen of the jury?

22 A. "Would you like to talk to the healthcare professional who  
23 will review this questionnaire about your answers to this  
24 question?"

04:04

25 Q. And what did you say?

04:04

1 A. "Yes."

2 Q. Why did you want to talk to a healthcare professional about  
3 your answers, Jamie?

04:04

4 A. Well, I wanted to know if things happened a year ago, if I  
5 needed to disclose them if they were resolved.

6 Q. So, it wasn't -- was it your intention to be dishonest with  
7 anyone?

8 A. No.

9 MR. KELLY: Your Honor, may I approach?

04:05

10 THE COURT: Approach her? Yes.

11 A. I also went out of my way and went to get a physical before  
12 I went to Iraq.

13 BY MR. KELLY:

14 Q. What did your physical show?

04:05

15 A. Everything was fine.

16 Q. You've been asked about your e-mails to Pete Arroyo --

17 A. Yes.

18 Q. -- the morning after this rape?

19 A. Yes.

04:06

20 Q. And I want to ask you, Jamie, you -- I think you said that  
21 you didn't remember a lot of the e-mails?

22 A. Right.

23 Q. Can you tell us how it is, Jamie, that you remember the  
24 comments made by Charles Bortz?

04:06

25 A. It was so traumatic for me to hear that he had had sex with



04:06 1 me without my consent. And that's the only way I can describe  
2 it. It was heart wrenching.

3 Q. I want to try to understand, because I've never been  
4 drugged with Rohypnol or GHB. Can you explain what it's like  
04:06 5 when you wake up in the morning after having one of these  
6 drugs?

7 A. It feels like the walls are just bubbling in. You can't  
8 focus very well.

9 Q. Do you get --

04:06 10 A. And it just feels like a fog, like you're just in a daze.

11 Q. I think this is Joint Exhibit 57, and I'm at  
12 Page KBR 002321.

13 Looking back on it now, Jamie, do you have any  
14 idea what you meant when you said, "I don't feel so good today.  
04:07 15 It's like I was food poisoned or something"?

16 A. I should have just said "poisoned." I don't know. I just  
17 felt so horrible, and you do feel disoriented and everything  
18 else. It's undescrivable.

19 Q. Next page, Jamie, 2320, when you say, "Dude, I'm so, like,  
04:08 20 sad today. I miss my family," how long had you been in the  
21 country?

22 A. This was my fourth morning and this is a verbiage of a  
23 20-year-old and I was really sad. I had just been raped.

24 Q. On Page 2319, what do you think the "something" that  
04:08 25 happened after you got off the phone with Pete Arroyo is?

04:08

1 A. That I was raped. I was drugged and raped. That's what  
2 happened.

3 Q. In the verbiage of a 20-year-old, does getting raped really  
4 suck?

04:09

5 A. Does really suck.

6 Q. Jamie, who was in control of these e-mails?

7 A. KBR.

8 MR. KELLY: Turn this off. We have to offer  
9 Plaintiffs' 29 and 30.

04:10

10 MR. MCKINNEY: I have no objection.

11 MS. VORPAHL: I have no objection either.

12 THE COURT: Admitted without objection.

13 MR. KELLY: What I would like to do -- are we able to  
14 do the same side-by-side comparison? I would like to put up  
15 Plaintiffs' 29. If we can blow up from the "From" line to the  
16 "girls hate me here."

04:10

17 Not just that, all the way from the "From" line.

18 BY MR. KELLY:

19 Q. What time does that say it was sent, Jamie?

04:11

20 A. 10:43 p.m.

21 Q. On what day?

22 A. July 27th.

23 Q. What was happening at 10:43 p.m. on July 27th?

24 A. That was after Sara Simco situation happened, that was  
25 after she stormed off and went to her barrack.

04:11

04:11 1 Q. If we look at Joint Exhibit 56, I believe it is --

2 MR. KELLY: See the same e-mail in that string?

3 BY MR. KELLY:

4 Q. Do you remember being asked about that e-mail before,  
04:13 5 Jamie?

6 A. It had a different time stamp on it.

7 Q. Had a time stamp of what day?

8 A. It was the morning of the -- the morning after I was raped.

9 Q. And when you were being asked about it before, it had a  
04:13 10 date time stamp of the 28th?

11 A. Yeah, it did. And this was in the evening of the 27th.

12 Q. Here's another one, Jamie. I want you to look at this one.  
13 This one is dated July 28th.

14 A. At 7:43.

04:14 15 Q. Do you recall being asked about this e-mail when  
16 Mr. McKinney was questioning you?

17 A. Yes.

18 Q. All right.

19 MR. KELLY: I would like to pull up Plaintiffs'  
04:14 20 Exhibit 30 and compare it to this one.

21 See if you can find the one that says the 27th.

22 29 -- I'm sorry, 29. I'm sorry. Did I offer 29?  
23 I think I offered 30 and 31.

24 MR. MCKINNEY: I think you offered 29 --

04:15 25 MR. KELLY: My mistake. I'm fumbling with exhibits

04:15 1 here.

2 29 is the one I need, Bill. My apologies.

3 BY MR. KELLY:

4 Q. That's a comparison of Plaintiffs' 29 and Joint Exhibit 57,  
04:16 5 I believe. Do you notice anything odd about those, Jamie?

6 A. It's really odd. It's a shame that they changed the date  
7 stamp.

8 Q. Let me ask you. You said something earlier about Eric  
9 Iler. What did he say he would do if he was asked about your  
04:16 10 relationship with him?

11 A. He would lie, lie, lie.

12 Q. What was Eric Iler's position with KBR?

13 A. He was a manager.

14 Q. What type of manager?

04:16 15 A. He was the IT manager.

16 Q. What does that mean? What does he do for a living?

17 A. He works with computers, computer expert.

18 Q. These e-mails, Jamie, these are e-mails that stay in -- let  
19 me rephrase that.

04:17 20 Are these e-mails going back and forth between  
21 Iraq or Baghdad and Houston?

22 A. No.

23 Q. Is there any reason, as an IT person, that you can  
24 understand why those date time stamps would be different?

04:17 25 A. Only if you meant to do it.

04:17 1 Q. Only if you'd meant to do it.

2 You were asked a lot of questions, Jamie, about  
3 whether you had ever claimed that you had been gang raped. Do  
4 you recall those questions?

04:18 5 A. Yes.

6 Q. As you sit here today, do you believe that you were gang  
7 raped?

8 A. I believe I was raped by more than one person. I don't  
9 know how many.

04:18 10 Q. Why do you believe that?

11 A. Because Matthew Ryan handed me a drink and said: Don't  
12 worry, there's no ruffies in this drink or anything. I saved  
13 my ruffies for Dubai.

14 And then you have Charles Bortz, who I woke up  
04:18 15 and went to the bathroom, came back and he was in the room.  
16 And I was around several firefighters that night before I lost  
17 my memory.

18 Q. Anything about your body made you think that you had been  
19 raped by more than one person?

04:19 20 A. I had a bruise on my wrist and bruises on my thighs, and I  
21 had chest disfigurement that required a reconstructive surgery.  
22 I had lacerations to my vagina.

23 MR. KELLY: I have a demonstrative, your Honor. I'm  
24 going to need to approach.

04:19 25 MR. MCKINNEY: We have some issues with this, Judge.

04:19 1 (At sidebar with all counsel)

2 THE COURT: With demonstratives, I wish you could talk  
3 on the breaks so we know what's going to be objected to.

4 MR. MCKINNEY: That's not even a demonstrative.

04:20 5 That's a format for leading the witness through areas which  
6 she's clearly not competent to testify on. This is for a  
7 toxicologist, if anyone.

8 MR. KELLY: I don't know what that's going to do, your  
9 Honor, because the toxicologist is going to testify that those  
04:20 10 are the criteria.

11 MS. VORPAHL: Then he's the right person to testify to  
12 that.

13 MR. KELLY: Although, factually, we should get this  
14 witness to -- we should be allowed to walk this witness through  
04:20 15 the same thing.

16 MS. VORPAHL: No. We're saying you can't lead the  
17 witness.

18 MR. MCKINNEY: Totally outside the scope of cross. We  
19 didn't examine her on any of that stuff.

04:20 20 THE COURT: Yeah. I can't let this in. I'm sorry.

21 (In open court)

22 BY MR. KELLY:

23 Q. Jamie, what were the physical findings that were reported  
24 to you by the physician that treated you regarding your rape in  
04:21 25 Iraq?

04:21 1 A. I had lacerations to my vaginal area. I had fissures,  
2 vaginal/anal area. I had the breast injury. I had bruises.

3 Q. Where were the bruises?

4 A. Between my thighs, on my wrist, scratch on my stomach.

04:21 5 Q. What other physical signs and symptoms did you have?

6 A. I've been diagnosed with post-traumatic stress, and I have  
7 evidence that I had been drugged.

8 Q. Speaking just about the findings, the vaginal findings, do  
9 you recall what vaginal findings were made by Dr. Schulz?

04:22 10 A. That I was quite torn up down there.

11 Q. Okay. Was she more specific than that?

12 A. I was penetrated both vaginally and anally.

13 Q. Did she talk about swelling at all?

14 A. She talked about redness, swelling.

04:22 15 Q. Any other physical evidence that there had been sexual  
16 intercourse?

17 A. There was a copious mucous discharge.

18 Q. Did you ever learn what that was?

19 A. I don't know.

04:23 20 MR. KELLY: With a little bit of leeway, your Honor,  
21 I'm going through my notes to make sure I haven't missed  
22 anything.

23 THE COURT: All right.

24 BY MR. KELLY:

04:23 25 Q. Jamie, there's an entry in a medical record in May of 2005,

0 4 : 2 3 1 before you leave, in Dr. Scott's medical record. Do you know  
2 what I am talking about?

3 A. Yes.

4 Q. And that medical record refers to an incident that at first  
0 4 : 2 3 5 blush kind of looks like it's similar to this incident.

6 A. Yes.

7 Q. I want you to tell me what happened.

8 A. I went to Sam's Boat with a guy that I really liked. His  
9 name was Scott. And we drank a lot; and, you know, I drank  
0 4 : 2 3 10 however much I wanted to. I wasn't drugged or anything like  
11 that. And we go back to my apartment and we got in the heat of  
12 the moment and we really wanted to do something, intercourse,  
13 and we didn't have a condom. So, we had sex sort of through  
14 our underwear.

0 4 : 2 4 15 Q. Why was the condom so important, Jamie?

16 A. Because I had an STD.

17 Q. Did he know that you had an STD?

18 A. Not yet.

19 Q. Did he learn that you had an STD before you attempted to  
0 4 : 2 4 20 have sex through your underwear?

21 A. We were looking for protection, and that's the way we  
22 protected it.

23 Q. Why were you looking for the protection?

24 A. So, he wouldn't get an STD.

0 4 : 2 4 25 Q. Did you tell him?



04:24

1 A. About the STD?

2 Q. Yes.

3 A. We had the underwear to protect us.

4 Q. I understand.

04:25

5 A. And it was barely like a penetration, and then we stopped.  
6 And after that it didn't really work out very well. So, then  
7 we passed out. We went to sleep.

8 Q. I want to ask you about that, Jamie. When you went out,  
9 how was drinking with him different than drinking with the

04:25

10 firefighters?

11 A. It was that I wanted to get kind of drunk with him and have  
12 fun with him, and it was different. I wasn't drugged.

13 Q. It was consensual?

14 A. It was consensual.

04:25

15 Q. What about the activities that you participated in, the  
16 sexual activity that you participated in with him, how were  
17 they different?

18 A. It was consensual. I wanted to do that. And we didn't  
19 actually have, like, real intercourse because it didn't really  
20 work out. But with HPV and HSV, you're more susceptible to  
21 getting other STDs. So, I go to the doctor; and I was, like,  
22 you know, I don't know if this is really sex or not. It didn't  
23 really work out. But I want to make sure that, you know --

04:26

24 Q. I think she said in her record that you couldn't recall  
25 whether you had had sex.

0 4 : 2 6 1 A. It wasn't that I couldn't recall. It was that I didn't  
2 know, I didn't know if that was sex or not. And I didn't go  
3 into much detail because that's really stupid. I felt really  
4 stupid. We used underwear to protect us.

0 4 : 2 6 5 Q. Did you ever claim that he assaulted you in any kind of  
6 way?

7 A. No.

8 Q. Did he --

9 A. Because he didn't. Never claimed that he assaulted me or  
0 4 : 2 6 10 hurt me in any way or that it was non consensual. I went to  
11 the doctor, and she said that I had drinks with new partner and  
12 passed out and don't remember. But it wasn't that I don't  
13 remember. It was just that I didn't know. And it was a very  
14 stupid thing to talk about because we had on underwear. I  
0 4 : 2 7 15 don't know.

16 Q. You felt stupid?

17 A. Yeah.

18 Q. How does it feel to have to talk about your sex life right  
19 now?

0 4 : 2 7 20 A. Humiliating.

21 Q. You mentioned earlier that KBR had access to the e-mails  
22 and the computers?

23 A. Yes.

24 Q. And I think you told me the other day that you had to leave  
0 4 : 2 7 25 your computer behind when you came home?

04:27

1 A. Exactly.

2 Q. Did you try to get it back?

3 A. I don't believe I tried to get it back. But also what

4 bothers me from reading it -- not from anything that I

04:27

5 remember, but from reading the e-mails, Pete Arroyo says, "Good

6 deal," and that was pointed out several times. So, there's

7 obviously something missing. There's an e-mail missing there,

8 too.

9 Q. I want to see if I can do this and it may take just a

04:28

10 couple of minutes; but I want to go through some exhibits real

11 quick, Jamie, if I could.

12 Jamie, Joint Exhibit 125 is what Ms. Vorpahl

13 asked you about, some of the LOGCAP III orientation. Do you

14 recall that?

04:29

15 A. Yes. Here's all the things that were given to me at the

16 event center, apparently. I separated it.

17 Q. Do you have your contract?

18 A. I think that's in there. I separated everything that I

19 saw, that I got at the event center.

04:29

20 Q. How old were you?

21 A. 20.

22 Q. (Indicating)?

23 A. It's a phone book.

24 Q. Did you memorize it?

04:30

25 A. No.

04:30 1 Q. You mentioned that your memory had been refreshed about the  
2 incident with Jamie Armstrong in the trailer.

3 A. Yes.

4 Q. Tell us how your memory was refreshed.

04:30 5 MS. VORPAHL: Your Honor, to the extent that this  
6 relies on a hearsay answer, I'm going to object. And it's what  
7 she said over and over already today, but I object to her  
8 hearsay response to this question.

9 THE COURT: Well, I don't know what she's going to  
04:30 10 say.

11 If you want to say, "My memory was refreshed by  
12 looking at a letter dated October 2nd, 2006," we'll let you  
13 testify to that, without getting into the contents of the  
14 letter. But I don't know what your response is going to be.  
04:31 15 Once again, we have to avoid your testifying about statements  
16 made by others out of court.

17 THE WITNESS: It was -- can I just say it was  
18 refreshed by Congressman Poe's office?

19 THE COURT: Okay. That's fine. That's fine.

04:31 20 BY MR. KELLY:

21 Q. Did you have a meeting with somebody?

22 A. Yes.

23 Q. When was that meeting?

24 A. I'm horrible with dates. This week?

04:31 25 THE COURT: Was it in the last week?

04:31

1

THE WITNESS: Apparently.

2

Was it this week?

3

I think it was last week.

4

BY MR. KELLY:

04:31

5

Q. Was it Sunday?

6

A. Yes.

7

Q. Okay. Was it -- had you been in contact with that person from Congressman Poe's office prior to that Sunday?

9

A. No, not in years, years and years.

04:31

10

Q. Did you contact her?

11

A. No. She contacted me. She wrote me an e-mail.

12

Q. And then how did it come about that you met with her?

13

A. She wanted to testify and meet with me.

14

Q. And is that when your memory was refreshed about statements that had been made?

04:32

15

A. Yes.

16

17

Q. So, when you testified in your deposition, was that before you had had your memory refreshed?

18

19

A. Yes.

04:32

20

Q. All right.

21

A. Because that was a month ago.

22

Q. Just so we're not fumbling around, what was this woman's name?

23

24

A. Patti Chapman.

04:32

25

Q. And Ms. Chapman refreshed your recollection during a

04:32

1 meeting this week?

2 A. Yes.

3 Q. So, the fact that you've testified previously about having  
4 a memory, is that understandable to you now?

04:32

5 A. Well, yeah. I was under a lot of trauma and stress and  
6 everything you would experience.

7 Q. I asked you earlier -- and I may have asked it  
8 inappropriately. I asked you if you tried to get your computer  
9 back. Did you try to get your hard drive back?

04:32

10 A. Yes.

11 Q. All right. And did you have some communications with  
12 anyone at KBR in trying to get that hard drive back?

13 A. Jamie Armstrong.

14 Q. Okay.

04:33

15 MR. KELLY: Plaintiffs' 19.

16 I don't know why it's blacked out, but that's --

17 MS. VORPAHL: No objection.

18 MR. MCKINNEY: No objection.

19 MR. KELLY: Offer Plaintiffs' 19, your Honor.

04:33

20 THE COURT: Admitted without objection.

21 BY MR. KELLY:

22 Q. Jamie, is this one of the e-mails you sent trying to get  
23 your hard drive back?

24 A. Yes. And it looks confusing because I'm writing it to  
25 another Jamie. So, it's to Jamie Armstrong from me.

04:33

04:33 1 Q. It's to more than just Jamie Armstrong, though, isn't it?

2 A. And Ron Boutwell and Gabe Andino.

3 Q. So, one of the people that it's written to is actually  
4 sitting in the courtroom today?

04:34 5 A. He's at the defense table.

6 Q. All right. Why was it so important to you to get your hard  
7 drive back?

8 A. I had -- I don't recall what was on the hard drive. But it  
9 was new and I wanted it back.

04:34 10 Q. Do you see who that's forwarded to?

11 A. To William Goodgine in security.

12 Q. You know William Goodgine to be in security?

13 A. Yes. He is KBR security.

14 Q. Why would KBR security have the rape victim's hard drive?

04:34 15 A. To protect the company.

16 MR. KELLY: Pass the witness, your Honor.

17 THE COURT: All right. I'm sure you have recross.

18 Would you like to get started? I mean, we don't have very much  
19 time.

04:35 20 Ladies and gentlemen, I'm going to need to break  
21 a little bit early today. It's my fault and no one else's.  
22 We're also going to come in a little bit later tomorrow. We'll  
23 aim for 9:00 o'clock tomorrow.

24 Do you want to start?

04:35 25 MR. McKINNEY: No, Judge. I was just going to say if

0 4 : 3 5      1      the Court was ready to leave, I'm fine with waiting till  
2      tomorrow.

3                    THE COURT:   Ms. Vorpahl?

4                    MS. VORPAHL:   Oh, it's certainly fine with me, your  
0 4 : 3 5      5      Honor.

6                    THE COURT:   Okay.   Ladies and gentlemen, we remain  
7      extraordinarily grateful for the work you're doing.   Nothing  
8      about this case has been easy, and perhaps it's been hardest of  
9      all for you.   But thank you for your perseverance.   Thank you  
0 4 : 3 6      10     for your attention.   Your service really is in the highest  
11     traditions of our nation's system of justice.

12                    Would all please rise for the jury.

13                    *(Proceedings recessed for evening)*

14                    \* \* \* \* \*

15                    COURT REPORTER'S CERTIFICATION

16                    I certify that the foregoing is a correct transcript from  
17                    the record of proceedings in the above-entitled cause.

18      Date:   June 21, 2011

19  
20                                      /s/      Cheryll K. Barron

21                    Cheryll K. Barron, CSR, CMR, FCRR  
22                    Official Court Reporter  
23  
24  
25



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